



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, February 1, 2022 – 6:00 p.m.
City Hall – Council Chambers – 325 Farr Drive

Agenda

Land Acknowledgement

1. **Call to Order**
2. **Roll Call**
3. **Review of Revisions or Deletions to Agenda**
4. **Approval of Agenda**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that City Council approves the agenda as printed / amended.

5. **Disclosure of Pecuniary Interest and General Nature**

6. Review and adoption of Council Minutes

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that City Council approves the following minutes as printed:

- a) Regular Meeting of Council – January 18, 2022.

7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

- a) Zoning By-law Amendment (ZBA-2021-07)

Owner: Steve and Nicole Allen

Subject Land: South side of Pete’s Dam Road, across from Pete’s Dam Park; Dymond Concession 3, Part of the South Part of Lot 4, Part 1 on Registered Plan 54R-6151

Purpose of the application: To rezone the property from Prime Agriculture (A1) to Rural Residential (R1).

8. Question and Answer Period

9. Presentations / Delegations

None

10. Communications

- a) Accessibility Standards Canada

Re: Roadmap to 2040 – A plan to guide the work of Accessibility Standards Canada

Reference: Received for Information

- b) Erin Kwarciak, Clerk - Town of Plympton-Wyoming

Re: Support for City of Kitchener's Resolution regarding Fire Safety Measurer and a Request to Review the Ontario Fire Code Retrofit Section 9.5, 2022-01-15

Reference: Received for Information

- c) The Honourable Caroline Mulroney, Minister of Transportation

Re: 2021-22 Gas Tax Program, 2022-01-19

Reference: By-law to be presented in Section 16 – By-laws

- d) Robert Bush, Chair of the Board – District School Board Ontario Northeast

Re: Letter of Support 2+1 Roadway Pilot Project, 2022-01-24

Reference: Received for Information

- e) Nick Chauvin, Project Lead – LBCG Consulting

Re: District of Timiskaming Community Safety and Well-Being Plan Update, 2022-01-25

Reference: Received for Information

- f) Danny Whalen, FONOM President; Wendy Landry, NOMA President; and Michelle Boileau, NOSDA Chair

Re: FONOM, NOMA and NOSDA Joint Media Release - Mental Health, Addictions and Homelessness Crisis in the North, 2022-01-26

Reference: Received for Information

- g) The Honourable Sylvia Jones, Solicitor General

Re: Review of Court Security and Prisoner Transportation in Ontario

Reference: Received for Information

- h) The Honourable Steve Clerk – Minister for the Ministry of Municipal Affairs and Housing

Re: Update on Bill 13, the Supporting People and Businesses Act, 2021 and Bill 276, the Supporting Recovery and Competitiveness Act, 2021

Reference: Received for Information

- i) Mr. Edward Lavalley, Resident

Re: Application to Purchase Municipal Land (North Cobalt)

Reference: Direct to the Municipal Clerk to process in accordance with Land Disposition By-law No. 2015-160

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. i) according to the Agenda references.

11. Committees of Council – Community and Regional

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Temiskaming Shores Climate Change (Ad Hoc) Committee meeting held on January 11, 2022; and
- b) Minutes of the Temiskaming Shores Public Library Board meeting held on November 24, 2021.

12. Committees of Council – Internal Departments

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Building Maintenance Committee meeting held on January 19, 2022;
- b) Minutes of the Corporate Services Committee meeting held on January 19, 2022;
- c) Minutes of the Protection to Persons and Property Committee meeting held on January 19, 2022;
- d) Minutes of the Public Works Committee meeting held on January 19, 2022; and
- e) Minutes of the Recreation Committee meeting held on January 10, 2022.

13. Reports by Members of Council

- a) Mayor Carman Kidd

Re: 2022 ROMA Conference Report

14. Notice of Motions

15. New Business

- a) **Memo No. 003-2022-CS – Fed Nor Funding Agreement Amendment No. 4 - Bilingual Project Coordinator – Project No. 39E-511659**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 003-2022-CS;

That Council hereby confirms funding agreement amendment no. 4 signed January 20, 2022, and directs staff to prepare the necessary by-law to amend By-law No. 2018-130 (Bilingual Project Coordinator) for additional project funds; and

That Council directs staff to include a delegation of authority provision to authorize amendments that do not create any financial liability for the City that is beyond a budget approved by Council, for consideration at the February 1, 2022 Regular Council meeting.

b) Memo No. 004-2022-CS – Deeming By-law Application for Hayden Fiset – 474 and 480 Helmer Pedersen Drive; PLAN 54M365 LOTS 23 and 24

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 004-2022-CS; and

That Council hereby declines the Deeming By-law Application for 474 and 480 Helmer Pedersen Drive, legally described as PLAN 54M365 LOTS 23 and 24.

Or

Whereas the applicant of a vacant property located on Helmer Pederson Drive would like to merge lots on title through the adoption of a deeming by-law in compliance with the Planning Act in order to create one property with one Roll number; and

Whereas the applicants have acknowledged that registration of the pending deeming by-law on title will be at their expense; and

Whereas Council is of the opinion Lots 23 and 24 on Plan 54M365 (Helmer Pederson Drive) are not integral to the settlement pattern and available infrastructure; and that deeming the two lots would prevent scattered and inefficient development.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby directs staff to prepare the necessary by-law to deem 474 and 480 Helmer Pedersen Drive; PLAN 54M365 LOTS 23 and 24 to no longer be Lots on a Plan of Subdivision; and

Further that Council hereby directs staff to prepare the necessary deeming by-law for consideration at the February 15, 2022 Regular Council meeting.

c) Administrative Report No. CS-003-2022 – Markey Consulting Service Proposal 2022 – 2024

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-003-2022; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with Markey Consulting for event planning services of the Northern Ontario Mining Showcase at PDAC 2022, 2023 and 2024 at a rate of \$650 per exhibitor plus taxes pending funding approval from Fed Nor, for consideration at the February 1, 2022 Regular Council meeting.

d) Administrative Report No. CS-004-2022– Agreement with Fed Nor – Northern Ontario Mining Showcase at the CIM convention and tradeshow (May 1-4, 2022)

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-004-2022; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario, as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow held in Vancouver from May 1 – 4, 2022 in the amount of \$157,500 for consideration at the February 1, 2022 Regular Council meeting.

e) Administrative Report No. CS-005-2022 – Evacuation Agreement with the Municipality of Temagami

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-005-2022; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with the Municipality of Temagami in the event of a large-scale emergency evacuation situation for consideration at the February 1, 2022 Regular Council Meeting.

f) Administrative Report No. CS-006-2022 – Short Term Accommodation Policy

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-006-2022;

That Council directs staff to prepare the necessary by-law to adopt a Short-Term Accommodation Policy for the City of Temiskaming Shores, for consideration at the February 1, 2022 Regular Council Meeting for 1st and 2nd reading; and

That Council directs staff to engage stakeholders in the public consultation of the draft Short-Term Accommodation Policy prior to 3rd and Final Reading of the By-law and adoption of the Policy.

g) Memo No. 001-2022-PPP – 2021 Temiskaming Shores Fire Department Annual Report

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 001-2022-PPP regarding the 2021 Annual Report for the Temiskaming Shores Fire Department for information purposes.

h) Administrative Report No. PW-001-2022 – No Heavy Truck Sign on Radley Rill Road

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-001-2022;

That Council approves the placement of:

- a. Rb-62 “NO HEAVY TRUCKS” sign on Radley Hill Road adjacent to the entrance of Manitoulin Transport, facing West;
- b. A Rb-62 Ahead Warning sign on Radley Hill Road at 3H Furniture, facing westward; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2012-101 to Regulate Traffic and Parking of Vehicles in the City of Temiskaming Shores to extend the Designated Truck Route on Radley Hill Road from Highway 11 to Lakeshore Road, for consideration at the February 1, 2022 Regular Council meeting.

i) Administrative Report No. PW-002-2022 – Household Hazardous Waste Collection Event

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-002-2022;

That Council directs staff to prepare the necessary by-law to enter into new agreement with Automotive Materials Stewardship Inc. to provide funding for the material collected at the City’s annual Household Hazardous Waste Collection Event, and to repeal By-law No. 2017-070 including amending By-law No. 2020-011, for consideration at the Regular Council Meeting held on February 1, 2022; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2015-096, as amended, for Product Care Association to provide funding for the material collected at the City’s annual Household Hazardous Waste Collection Event, for consideration at the February 1, 2022, Regular Council meeting.

j) Administrative Report No. PW-003-2022 – Industrial, Commercial, and Institutional (ICI) Water Meter Program (Phase 2)

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-003-2022;

That as outlined in By-law No. 2017-015, *Procurement Policy, Section 10*, Council approves to waive the tendering procedure; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with Neptune Technology Group (Neptune) in the amount of \$479,380.00 plus applicable taxes, for the supply and installation of water meters for the remaining Industrial, Commercial and Institutional (ICI) sector including multi-residential establishment containing three (3) or more units, for consideration at the February 1, 2022 Regular Council Meeting.

k) Administrative Report No. PW-004-2022 – Tender Award – Engineering Services – NL Waste Disposal Site

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-004-2022; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site in the amount of \$51,255.00 plus applicable taxes, for consideration at the February 1, 2022 Regular Council meeting.

l) Memo No. 002-2022-RS – New Liskeard Community Memorial Hall Renaming

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 002-2022-RS; and

That Council directs staff to prepare the necessary by-law to rename the New Liskeard Community Memorial Hall to the Bun Eckensviller Community Hall for consideration at the February 1, 2022 Regular Council Meeting.

m) Memo No. 003-2022-RS – Ontario Trillium Foundation Funding Agreement – PFC Roof Replacement

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 003-2022-RS; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with the Ontario Trillium Foundation to replace the roof on the Pool and Fitness Centre in the amount of \$500,000 for consideration at the February 1, 2022 Regular Council Meeting.

n) Recreation Facilities Proof of COVID-19 Vaccination Policy for the City of Temiskaming Shores (By-Law No. 2021-139)

16. By-laws

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that:

By-law No. 2022-008 Being a by-law to authorize the execution of a funding agreement between Her Majesty the Queen in Right of Ontario, represented by the Minister of Transportation for the Province of Ontario, related to funding under the Dedicated Gas Tax Funds for Public Transportation Program – 2022

By-law No. 2022-009 Being a by-law to amend By-law No. 2019-018, as amended to appoint community representatives to various Committees and Boards for the 2019-2022 Term of Council (Temiskaming Shores Public Library Board)

By-law No. 2022-010 Being a by-law to amend By-law No. 2018-130 to enter into a funding agreement with Industry Canada (FedNor) for a bilingual Project Coordinator – Project No. 39E-511659 – Amendment No. 4

- By-law No. 2022-011 Being a by-law to enter into an agreement with Markey Consulting to provide event management services for the Northern Ontario Mining Showcase at the Prospectors & Developers Association of Canada (PDAC) Convention from 2022 to 2024
- By-law No. 2022-012 Being a by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow from May 1 – 4, 2022 (Project No. 852-513725)
- By-law No. 2022-013 Being a by-law to enter into an agreement with The Corporation of the Municipality of Temagami in the event of an evacuation of its Residents
- By-law No. 2022-014 Being a by-law for the licensing of short-term accommodations in the City of Temiskaming Shores (**first and second reading only**)
- By-law No. 2022-015 Being a by-law to amend By-law No. 2012-101 as amended, to Regulate Traffic and Parking of Vehicles in the City of Temiskaming Shores – Designated Truck Route on Radley Hill
- By-law No. 2022-016 Being a by-law to enter into an Agreement with Automotive Materials Stewardship Inc. (AMS) for Automotive materials (oils, oil filters and antifreeze) collected as part of the Household Hazardous Waste Collection Event (Repeals By-Law No. 2017-070 & By-law No. 2020-011)
- By-law No. 2022-017 Being a by-law to amend By-law No. 2015-096 to enter into an Agreement with Product Care Association and the City of Temiskaming Shores for Phase 1 materials (paints and coatings) collected as part of the Municipal Hazardous or Special Waste Orange Drop Collection Event – Amendment No. 2
- By-law No. 2022-018 Being a by-law to enter into an agreement with Neptune Technology Group Canada Co. for the Supply and Installation of water meters for the Industrial, Commercial, and institutional (ICI) sector, including multi-residential establishments containing three (3) or more units in the City of Temiskaming Shores (Phase 2)

- By-law No. 2022-019 Being a by-law to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site
- By-law No. 2022-020 Being a by-law to rename the New Liskeard Community Memorial Hall to the Bun Eckensviller Community Hall
- By-law No. 2022-021 Being a by-law to enter into an agreement with the Ontario Trillium Foundation for the replacement of the roof at the Pool and Fitness Centre

be hereby introduced and given first and second reading.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that:

- | | |
|----------------------|--------------------------|
| By-law No. 2022-008; | By-law No. 2022-016; |
| By-law No. 2022-009; | By-law No. 2022-017; |
| By-law No. 2022-010; | By-law No. 2022-018; |
| By-law No. 2022-011; | By-law No. 2022-019; |
| By-law No. 2022-012 | By-law No. 2022-020; and |
| By-law No. 2022-013; | By-law No. 2022-021; |
| By-law No. 2022-015; | |

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

17. Schedule of Council Meetings

- a) Regular Meeting – Tuesday, February 15, 2022 at 6:00 p.m.
- b) Regular Meeting – Tuesday, March 1, 2022 at 6:00 p.m.

18. Question and Answer Period

19. Closed Session

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council agrees to convene in Closed Session at _____ p.m. to discuss the following matters:

- a) Adoption of the November 16, 2021 Closed Session Minutes; and
- b) Under Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – Human Resources Update.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council agrees to rise with report from Closed Session at _____ p.m.

20. Confirming By-law

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that By-law No. 2022-022 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular meeting held on **February 1, 2022** be hereby introduced and given first and second reading.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that By-law No. 2022-022 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

21. Adjournment

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council hereby adjourns its meeting at _____ p.m.



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, January 18, 2022 – 6:00 p.m.
Electronic Meeting

Minutes

Land Acknowledgement

Mayor Kidd began the meeting by observing the following Land Acknowledgement:

We acknowledge that we live, work and gather on the traditional and unceded Territory of the Algonquin People, specifically the Timiskaming First Nation.

We recognize the presence of the Timiskaming First Nation in our community since time immemorial, and honour their long history of welcoming many Nations to this beautiful territory and uphold and uplift their voice and values.

1. Call to Order

The meeting was called to order by Mayor Kidd at 6:00 p.m.

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Patricia Hewitt, Doug Jelly, Jeff Laferriere, Mike McArthur, and Danny Whalen

Present: Logan Belanger, Clerk
Christopher Oslund, City Manager
Kelly Conlin, Deputy Clerk
Shelly Zubycck, Director of Corporate Services
Mathew Bahm, Director of Recreation
Steve Langford, Fire Chief
James Franks, Economic Development Officer
Brad Hearn, IT Administrator

Steve Burnett, Manager of Environmental Services
Mitchell McCrank, Manager of Transportation Services
Stephanie Levielle, Treasurer

Regrets: N/A

Media: N/A

Members of the Public: 0

3. Review of Revisions or Deletions to Agenda

None

4. Approval of Agenda

Resolution No. 2022-001

Moved by: Councillor Jelly

Seconded by: Councillor Whalen

Be it resolved that City Council approves the agenda as printed.

Carried

5. Disclosure of Pecuniary Interest and General Nature

6. Review and adoption of Council Minutes

Resolution No. 2022-002

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that City Council approves the following minutes as printed:

a) Regular Meeting of Council – December 21, 2021.

Carried

7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

None

8. Question and Answer Period

None

9. Presentations / Delegations

None

10. Communications

a) Lindsey Green, Clerk – Township of Southgate

Re: Support - Annual Emergency Exercise Requirement, 2021-12-16

Reference: Received for Information

b) Kim Campbell, Resident

Re: Request to Rename New Liskeard Community Hall in honour of Mr. Lawrence “Bun” Eckensviller, 2021-12-17

Reference: Referred to the Building Maintenance Committee and the Corporate Services Committee

c) Angela Maddocks, Clerk – Township of South Frontenac

Re: Support for Bill 214 – Daylight Saving Time, 2021-12-20

Reference: Received for Information

d) District of Timiskaming Social Services Administration Board

Re: Timiskaming Counts – Homeless Enumeration 2021

Reference: Received for Information

- e) Haileybury Food Bank

Re: Annual Report 2021

Reference: Received for Information

- f) Ministry of Northern Development, Mines, Natural Resources and Forestry

Re: Review of Proposed Insect Pest Management Program

Reference: Received for Information

- g) Kelly Black, Chief Administrative Officer - District of Timiskaming Social Services Administration Board

Re: DTSSAB 2022 Board Meeting Schedule and Budget Proposal Date

Reference: Received for Information

Resolution No. 2022-003

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. g) according to the Agenda references.

Carried

11. Committees of Council – Community and Regional

Resolution No. 2022-004

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Business Improvement Area Board of Management regular meeting held on November 15, 2021, and from the Annual General Meeting held on November 15, 2021;
- b) Minutes of the Temiskaming Shores Accessibility Advisory Committee meeting held on December 8, 2021; and

- c) Minutes of the Temiskaming Transit Committee meeting held on November 29, 2021.

Carried

12. Committees of Council – Internal Departments

Resolution No. 2022-005

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Building Maintenance Committee meeting held on December 15, 2021;
- b) Minutes of the Corporate Services Committee meeting held on December 15, 2021;
- c) Minutes of the Protection to Persons and Property Committee meeting held on December 15, 2021; and
- d) Minutes of the Public Works Committee meeting held on December 15, 2021.

Carried

13. Reports by Members of Council

Mayor Kidd provided an update on a teleconference he attended, hosted by the Ministry of Infrastructure, regarding a broadband program update for highspeed internet upgrades for Ontario households.

14. Notice of Motions

None

15. New Business

a) January to November 2021 Year-to-Date Capital Financial Report

Resolution No. 2022-006

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt the January to November 2021 Year-to-Date Capital Financial Report for information purposes.

Carried

b) Memo No. 001-2022-CS – Fed Nor Agreement - Funding Support for Wabi Bridge Design

Resolution No. 2022-007

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 001-2022-CS; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the development work of the construction of a pedestrian/ cycling bridge over the Wabi River, in the amount of \$18,000 for consideration at the January 18, 2022 Regular Council meeting.

Carried

c) Memo No. 002-2022-CS – Fed Nor Agreement - Funding Support for Great Fire Centennial Event

Resolution No. 2022-008

Moved by: Councillor Hewitt

Seconded by: Councillor Whalen

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 002-2022-CS; and

That Council directs staff to prepare the necessary by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Great Fire of 1922 Centennial Event in the amount of \$90,000 for consideration at the January 18, 2022 Regular Council Meeting.

Carried

d) Administrative Report No. CS-001-2022 – Health and Safety Policies

Resolution No. 2022-009

Moved by: Councillor Jelly

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-001-2022; and

That Council confirms it has reviewed the City of Temiskaming Shores Health and Safety Policy and Program; the Harassment in the Workplace Prevention Policy; the Violence in the Workplace Prevention Policy, and the Harassment and Violence in the Workplace Prevention Program, in accordance with the Occupational Health and Safety Act.

Carried

e) Administrative Report No. CS-002-2022 – Connelly Communications Lease Agreement

Resolution No. 2022-010

Moved by: Councillor Foley

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-002-2022; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2018-065 to enter into a Lease Agreement with Connelly Communications Corporation for the lease of Office Space at Riverside Place, for a rental rate increase of 2% each year for the remainder of the term (2023-2028), for consideration at the January 18, 2022 Regular Council Meeting.

Carried

f) Memo No. 001-2022-PW – Rate Increase for Recycling Agreement with Outside Municipalities

Resolution No. 2022-011

Moved by: Councillor McArthur

Seconded by: Councillor Whalen

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 001-2022-PW; and

That Council approves a 3.4 percent (3.4%) rate increase for the acceptance of recyclable materials at the Spoke Transfer Station from \$301/tonne to a \$311.23/tonne rate effective January 1, 2022.

Carried

g) Memo No. 002-2022-PW – Farr Drive Pump Replacement

Resolution No. 2022-012

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 002-2022-PW;

That Council confirms the emergency purchase of a replacement pump for the Farr Drive Lift Station in the amount of \$80,000; and

That Council directs the Treasurer to include the Farr Drive Lift Station Pump Replacement as a 2022 Capital Budget item prior to the finalization of the Budget By-law.

Carried

**h) Memo No. 001-2022-RS – Employment and Social Development Canada
- Enabling Accessibility Fund Grant Extension**

Resolution No. 2022-013

Moved by: Councillor Jelly

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 001-2022-RS;

That Council directs staff to prepare the necessary by-law to amend By-law No. 2020-034 (Accessibility Upgrades at the Don Shepherdson Memorial Arena) to extend the project date to October 31, 2022; and

That Council agrees to include a delegation of authority provision to authorize amendments that do not create any financial liability for the City that is beyond a budget approved by Council, for consideration at the January 18, 2022 Regular Council meeting.

Carried

16. By-laws

Resolution No. 2022-014

Moved by: Councillor Foley

Seconded by: Councillor Whalen

Be it resolved that:

By-law No. 2022-001 Being a by-law to authorize borrowing from time to time to meet current Expenditures during the Fiscal Year ending December 31, 2022

By-law No. 2022-002 Being a by-law to provide for an Interim Tax Levy for the payment of taxes and to establish penalty and interest charges

By-law No. 2022-003 Being a by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Development Work for the Construction of a Pedestrian/ Cycling Bridge over the Wabi River (Project No. 851-513646)

- By-law No. 2022-004 Being a by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario for the Great Fire of 1922 Centennial Event (Project No. 851-513645)
- By-law No. 2022-005 Being a by-law to amend By-law No. 2018-065, to authorize the entering into a Lease Agreement with Connelly Communications Corporation for the lease of Office Space at Riverside Place
- By-law No. 2022-006 Being a by-law to amend By-law No. 2020-034 to enter into an agreement with Her Majesty the Queen in Right of Canada as represented by Employment and Social Development Canada for Accessibility Upgrades at the Don Shepherdson Memorial Arena – Project No. 1591799

be hereby introduced and given first and second reading.

Carried

Resolution No. 2022-015

Moved by: Councillor McArthur

Seconded by: Councillor Hewitt

Be it resolved that:

By-law No. 2022-001; By-law No. 2022-004;
By-law No. 2022-002; By-law No. 2022-005; and
By-law No. 2022-003; By-law No. 2022-006;

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

17. Schedule of Council Meetings

- a) Regular Meeting – Tuesday, February 1, 2022 at 6:00 p.m.
- b) Regular Meeting – Tuesday, February 15, 2022 at 6:00 p.m.

18. Question and Answer Period

Councillor Foley thanked the Recreation Staff for their work on the outdoor rinks; they are open and are in great shape.

Councillor Whalen inquired if the City received an information package regarding the Northern Ontario Resource Development Support (NORDS) fund. Christopher Oslund, City Manager updated that the City has received an information package, and staff are currently preparing a submission for the Mowat Landing Bridge Replacement project. The program offers the City \$225,192 per year to support investments in local infrastructure, and the plan for the remaining funds will be discussed at the Public Works Committee.

19. Closed Session

None

20. Confirming By-law

Resolution No. 2022-016

Moved by: Councillor Hewitt

Seconded by: Councillor McArthur

Be it resolved that By-law No. 2022-007 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular meeting held on **January 18, 2022** be hereby introduced and given first and second reading.

Carried

Resolution No. 2022-017

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that By-law No. 2022-007 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

21. Adjournment

Resolution No. 2022-018

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that Council hereby adjourns its meeting at 6:20 p.m.

Carried

Mayor

Clerk



Public Meeting Zoning By-law Amendment

Zoning By-law Amendment

Application No.: ZBA-2021-07

Owner: Steve and Nicole Allen

Subject Land:

- South side of Pete's Dam Road (across from Pete's Dam Park)
- West side of the river
- DYMOND CON 3 PT S PT LOT 4 RP 54R6156 PART 1



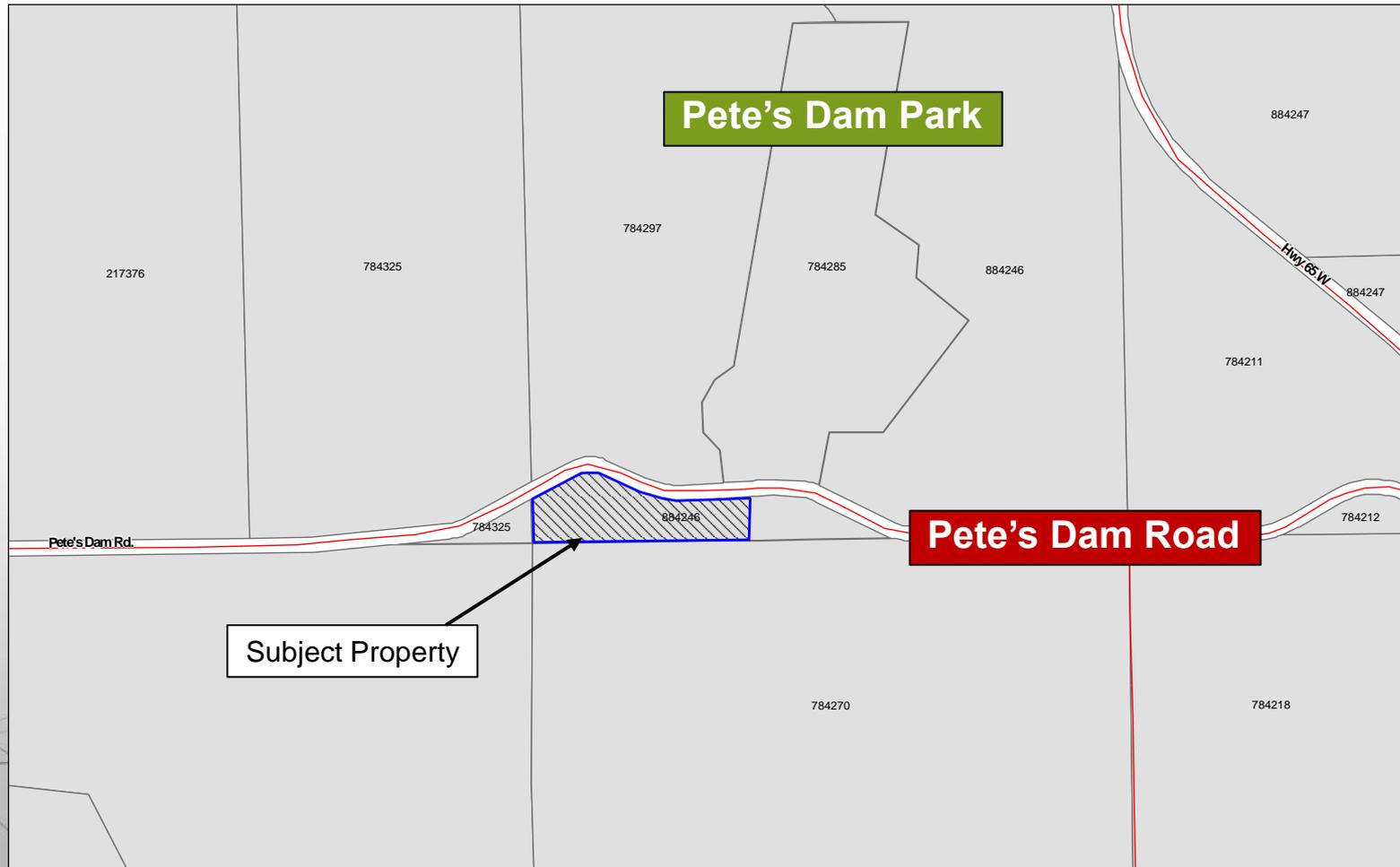
Public Meeting

Zoning By-law Amendment

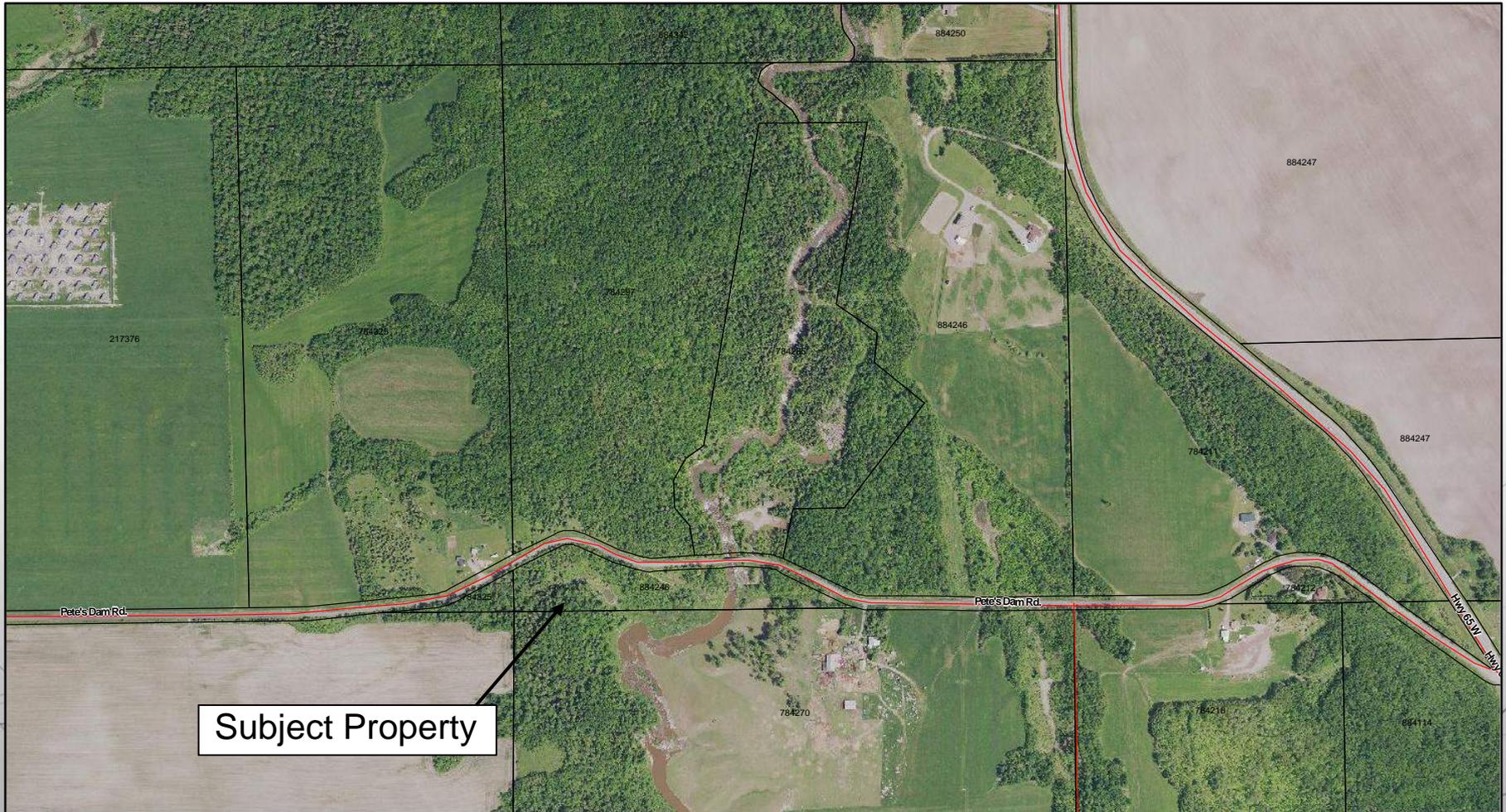
Purpose of the Amendment

- Change the zoning of the property from Prime Agriculture (A1) to Rural Residential (R1)
- Permit the future construction of a residential dwelling on an existing undersized property that is not suitable for agriculture

Public Meeting Zoning By-law Amendment



Public Meeting Zoning By-law Amendment



Public Meeting Zoning By-law Amendment



ZBA-2021-07 – February 1, 2022

Public Meeting Zoning By-law Amendment





Public Meeting

Zoning By-law Amendment

Official Plan Designation

- Agricultural Land
 - Existing undersized lots of record may be used for one dwelling by zoning by-law amendment, provided:
 - Agriculture or other permitted uses are not feasible or practical on the lot;
 - The lot contains a limited amount of arable land (generally less than 4 hectares);
 - The proposed dwelling complies with the MDS formula I using Type B land use;
 - The site is suitable for residential construction;
 - The soil is suitable for an individual on-site sewage disposal service;
 - A potable water supply will be available; and
 - The lot abuts a fully maintained public road.

Current Zoning

➤ Prime Agricultural (A1)

➤ Permitted Uses

- ✓ Agricultural processing establishment
- ✓ Agricultural produce warehouse
- ✓ Agricultural use
- ✓ Agricultural product sales outlet
- ✓ Agricultural services
- ✓ Equestrian Facility
- ✓ Greenhouse, nursery, garden centre
- ✓ Group home
- ✓ Market
- ✓ Wayside pit or quarry

➤ Accessory Uses

- ✓ Bed and breakfast establishment
- ✓ Dwelling, single detached
- ✓ Home industry
- ✓ Home occupation
- ✓ Outdoor storage
- ✓ Private home child care
- ✓ Second dwelling unit

Proposed Zoning

- Rural Residential (R1)
 - Permits a single detached dwelling as a principal use
 - Compliance with Zoning provisions:
 - Exceeds minimum lot area and lot frontage requirements
 - Compliance with other provisions will be evaluated through the building permit process



Public Meeting

Zoning By-law Amendment

Additional Information

- Supporting information submitted with the application:
 - Confirmation from the Temiskaming Health Unit that a septic system can be installed on the property
 - Opinion from a well drilling company that an adequate source of water could be attained on the property
 - Confirmation from a sewage hauling company that there is capacity in their lagoons to accept the effluent from the additional septic system
 - Minimum Distance Separation calculation indicating that the base distance from the barn on the adjacent property to the west for a sensitive use is 162 metres (531 feet)

Public Notice and Comments

- Notice of the public hearing was advertised in the Temiskaming Speaker beginning on January 12
- Application has been circulated to City staff
 - Chief Building Official: There is a considerable slope leading to a ravine at the rear of the property, not far from the roadway along the entire length of the property. Any proposal to construct a building on the property will likely necessitate the General Review from a Geotechnical Engineer to determine the feasibility of constructing a building at that location along with directions and design to do so.
 - No other concerns have been noted
- No comments or concerns have been received from external agencies or members of the public

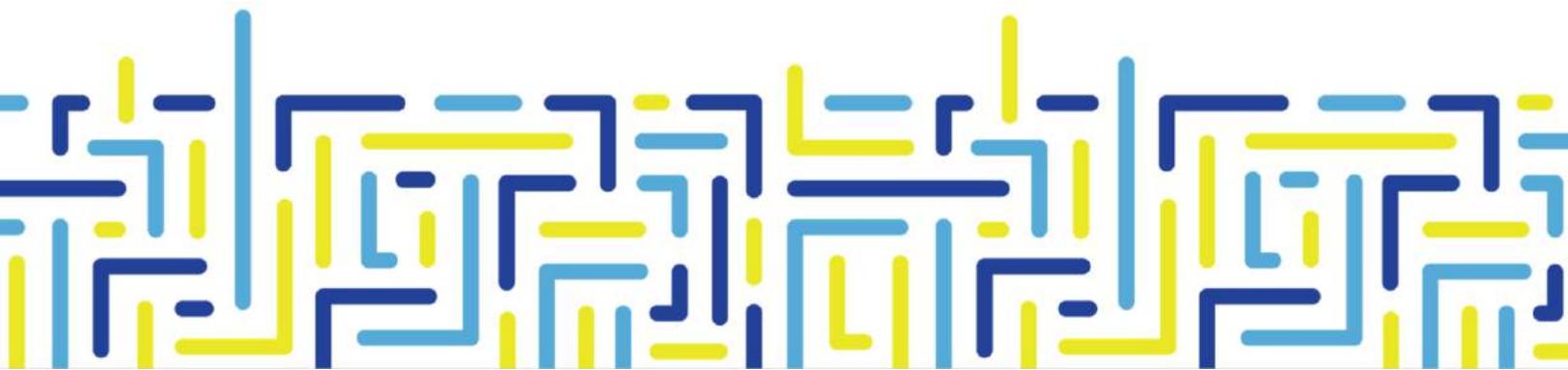
Next Steps

- An administrative and planning report will be presented for consideration at the February 15, 2022 Regular Council Meeting



Roadmap to 2040

A plan to guide the work of Accessibility Standards Canada



Roadmap to 2040: A plan to guide the work of Accessibility Standards Canada

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Government of Canada catalogue Number AS4-25/2021E-PDF

International Standard Serial Number (ISSN) 978-0-660-40871-2

Accessibility Standards Canada aims to meet the highest standard of accessibility. Our goal is to give every Canadian, regardless of technology or ability, equal access to our reports.

This report is also available [online](#). To request this document in another format, please [contact us online](#), or call 1 833-854-7628. Large print, braille, audio cassette, audio CD, e-text diskette, e-text CD and DAISY are available on demand.

Table of Contents

Executive Summary	4
Context.....	5
Benefits	7
A Guiding Vision	8
Structure.....	11
1. Develop World-Class Standards	14
2. Be a Strong Leader, Partner and Influencer.....	19
Conclusion	21
Appendix A: Information on Technical Committees	22
Appendix B: Visual Version of Roadmap	25
Appendix C: Descriptive Text Version of Roadmap to 2040	26
Appendix D: Development Criteria	28

Executive Summary

Accessibility Standards Canada was created under the *Accessible Canada Act* (Act). Its role is to develop accessibility standards among other things. It then recommends these standards to the Minister responsible for accessibility. These standards fall into the priority areas listed in the Act.

The development of standards is driven by the idea of “Nothing about us, without us.” For that reason, people with disabilities, other members of diverse disability communities and allies are involved at all stages of development. This includes deciding which standards should be developed. It includes participating as experts in the research and processes to develop standards. The disability community also helps educate the rest of Canadian society on why it is necessary to remove barriers to accessibility.

The *Roadmap to 2040* was written to guide Accessibility Standards Canada’s work. The Roadmap has 2 work streams:

1. **Develop world-class standards.** This stream breaks down the criteria for deciding on the standards to be developed in the short, medium, and long term.
2. **Position Accessibility Standards Canada as a strong leader, partner and influencer.** This includes activities required to support standard development and the key partnerships that need to be built. It also includes the role of the organization in promoting a culture shift in Canada.

The Roadmap contains rough timelines for the activities within the 2 work streams. It is designed to be flexible so that it can be adapted to address emerging priorities. This includes emerging needs facing diverse disability communities. This tool will be used to guide the organization’s activities and contribute to the goal: a Canada without barriers by 2040.

Context

Accessibility Standards Canada was created to develop accessibility standards.

Accessibility Standards Canada was created to **help build a Canada without barriers by January 1, 2040**. Its role is to develop standards to remove the barriers to access that people with disabilities face. These standards fall within the priority areas listed in the Act.

Four groups will be involved in developing standards: The Accessibility Standards Canada Board of Directors (Board); Technical Committees; Accessibility Standards Canada staff; and diverse disability communities.

1. **Board.** Board members provide lived experience and professional expertise. Their role is to decide on the priorities for standards. Their role is also to approve the selection criteria and terms of reference for Technical Committees.
2. **Technical Committees.** These committees follow a process to develop standards. This process includes balanced representation, consensus, and other important elements. See Appendix A for more information.
3. **Accessibility Standards Canada Staff.** Staff members recommend to the Board which standards will be developed and in what order based on public consultations and other considerations. They support the formation and operation of committees. They also confirm that committees follow the right process.
4. **Diverse disability communities.** People with lived experience will be consulted. This means their voices will be heard when standards are being developed. It also means their knowledge will be shared. This is in line with the Standards Council of Canada requirement that public consultation be included in the development process.

To develop standards, the organization will **work with other standards development organizations**, such as the Canadian Standards Association. This will enable Accessibility Standards Canada to tap into the strengths and expertise of others. For example, the organization plans to work with this

association to co-brand some standards and to avoid duplicating efforts. The organization brings its values to this work.

How much impact will the new standards have? That will depend on the regulations and where the standards are adopted.

The Government of Canada may make regulations under the Act. Regulations are a tool for making requirements that must be followed in order to achieve policy goals. This could include making standards into regulations to remove barriers and to improve accessibility.

The Act makes Accessibility Standards Canada responsible for recommending standards to the Minister. Standards are voluntary unless they are made into regulations. Only the Government of Canada can make standards become mandatory regulations.

The standards developed by Accessibility Standards Canada will apply only to federally regulated and Government of Canada entities, unless they are adopted elsewhere, such as by a province or territory. The best approach is to **harmonize standards across Canada**. To further that goal, the organization will build relationships with the provinces and territories. This will be done to promote the harmonizing of federal, provincial, and territorial standards.

Accessibility Standards Canada developed the Roadmap to 2040 to guide its work.

The Roadmap is designed to help Accessibility Standards Canada fulfill its mandate. It includes milestones, timelines, and a clear plan to guide the organization's work until January 1, 2040.

The Roadmap was developed with input from the Board, the Strategic Planning Committee, and staff of Accessibility Standards Canada. It was guided by the spirit of "Nothing about us, without us." The Roadmap reflects the organization's mission, vision, and values. It emphasizes engaging with both diverse disability communities and industry.

The plan is to review and adjust the Roadmap at least every 3 years. This will ensure it reflects changes in technology, society, and elsewhere. The Roadmap outlines activities within the organization's areas of responsibility. However, the vision is much broader: to have a barrier-free Canada by 2040.

Benefits

The Roadmap will guide Accessibility Standards Canada until 2040.

The Roadmap sets out a rough timeline for developing standards in the areas that are named in the Act. The exact timing of activities may change.

To **meet the needs of people with disabilities in Canada**, Accessibility Standards Canada will need to **adapt to changes in Canada and the world**. The Roadmap notes that standards should be maintained and reviewed at least every 5 years to see if they need to be updated. This a requirement for accredited standards development organizations.

The Roadmap can be used to measure progress. It can also educate the public on how the organization is helping to remove barriers by 2040. To fulfill its mandate, it is vital for the organization to work with external stakeholders and communicate with them often. Among these groups are diverse disability communities, allies, other levels of government and government entities, federally regulated entities, and standards development organizations.

The Roadmap will benefit various stakeholder groups.

The primary groups that will benefit from the Roadmap are Canadians, the Government of Canada, and Accessibility Standards Canada.

- Canadians will benefit because the Roadmap **outlines a plan for barriers to be reduced**. The goal is for positive impacts to be felt before 2040.
- The Government of Canada will benefit because the Roadmap will help **inform plans** for regulatory development.
- Accessibility Standards Canada will benefit because the Roadmap will help **set priorities, support annual business planning, and maintain focus** from now to 2040. This is key. Board members and staff will change over time, so the Roadmap will ensure continuity. The Roadmap will also help the organization work and coordinate with stakeholders, such as other standards development bodies.

A Guiding Vision

The goal is for Canada to be barrier-free by 2040. Accessibility Standards Canada's role is to develop accessibility standards.

The goal is for Canada to be **barrier-free for all people** by 2040. People with disabilities should not have to ask for the things they are entitled to. People with disabilities should not be denied the same opportunities or services as people without disabilities.

The first step is to develop accessibility standards. But for standards to improve quality of life and benefit all of society, they must be followed. Accessibility Standards Canada's role is to create standards. The organization helps remove barriers in Canada by encouraging the use of standards. The Government of Canada is responsible for converting these standards into regulations that will remove barriers.

To support this process, the organization's efforts must be aligned with the Government of Canada's plans for implementing regulations once they come into force. The organization needs to have strong relationships with all entities under the Act. This includes the Canadian Transportation Agency (CTA), the Canadian Radio-television Commission (CRTC), and Employment and Social Development Canada (ESDC), in particular. ESDC is the Government of Canada's lead for a range of regulatory, policy, program and engagement functions related to the implementation of the Act and to broader accessibility initiatives.

The Roadmap focuses on the priority areas listed in the Act. Addressing these will remove the most common barriers experienced by people with disabilities.

The 7 priority areas under the Act are:

1. Employment.
2. The built environment.
3. Information and communication technologies.
4. Communication (other than information and communication technologies).

5. The procurement of goods, services, and facilities.
6. The design and delivery of programs and services.
7. Transportation.

Accessibility Standards Canada will create standards that support the following areas:

- **Employment.** When it comes to jobs, everyone has equal access and opportunities, from before they are hired until they retire. Standards will help people with disabilities find work and be productive and engaged while working. Everyone has equal access to advancement opportunities throughout their careers.
- **The built environment.** New buildings are accessible by design, and barriers within existing buildings are removed. Harmonizing standards across Canada is especially important in this area. Accessibility Standards Canada will work to further this goal. Organizations and federal, provincial, and territorial bodies across the country are involved to make this happen.
- **Information and communication technologies.** Accessibility Standards Canada will work with the CRTC. Accessibility Standards Canada will do so to ensure the two organizations' approaches are aligned as much as possible. In areas where there is overlap, Accessibility Standards Canada could provide support and/or could co-lead standards aimed at removing barriers.
- **Communication (other than information and communication technologies).** People with all types of disabilities are able to access and be engaged in all forms of communication. Canadians are aware that accessible communication benefits everyone.
- **Procurement of goods, services, and facilities.** Government of Canada purchasing processes are accessible to all. The products, services and facilities that are bought, leased or contracted are fully accessible. Vendors that are inclusive of people with disabilities are given preference. It is important to note that different organizations are responsible for setting federal contracting rules.
- **Design and delivery of programs and services.** People with disabilities are treated as equal citizens. They have equal access to all

services and programs. Potential standards could consider having accessibility champions. These people would train service delivery staff and ensure barriers are removed within delivery processes.

- **Transportation.** Accessibility Standards Canada will work with the CTA. Accessibility Standards Canada will do so to ensure the two organizations' approaches are aligned as much as possible. In areas where there is overlap, Accessibility Standards Canada could provide support and/or could co-lead standards aimed at removing barriers.

Success will mean that, by January 1, 2033, initial standards in priority areas will have been developed in consultation with people with disabilities. This will allow time for the standards to be added to regulations, implemented, and have an impact before 2040. However, the work will not end in 2033 or 2040. Standards will continue to be developed, revised, adopted into regulation, and implemented.

Structure

The visual version of the Roadmap can be found in Appendix B. The descriptive text version can be found in Appendix C.

The Roadmap begins in 2021. However, it includes the standards already under development. It also includes the other work done by Accessibility Standards Canada, such as building partnerships, conducting research, and working with the disability community.

The focus of the Roadmap is on priority areas for standards development. It is also focused on Accessibility Standards Canada's related responsibilities.

The Roadmap includes 2 work streams.

Stream 1: Develop world-class standards

In this stream, standards are divided into 3 rounds of development. This is to ensure adequate resources are available. This also reflects the fact that some standards are less complex and can be developed sooner. Others are more complex. For complex standards, more time will be needed to acquire the necessary resources.

Developing standards in later rounds also provides flexibility. Standards can be prioritized and developed based on emerging needs. For example, any accessibility issues identified by the Chief Accessibility Officer and the Accessibility Commissioner may happen later, after those positions have been filled.

The 3 rounds are as follows:

1. Standards that have an immediate impact. These are standards that should be (or will start to be) developed within 1 to 3 years (by the end of 2024).
2. Standards that have a high impact and will be developed in the medium term. These are standards that should be (or will start to be) developed within 2 to 5 years (by the end of 2026).

3. Standards that address the remaining areas causing barriers and other emerging priorities. These standards will be developed in the longer term. These should be (or will start to be) developed within 4 to 7 years (by the end of 2028).

By the end of 2028, the development of the standards in all 3 rounds will have started or been completed. The target date for completing the initial standards in the priority areas is January 1, 2033. This is to allow time for complex or broad standards started in 2028 to be completed. These types of standards could take 3 years or more. This is also to allow time for standards to be added to regulations by 2035 as well as time for them to be implemented and have an impact before 2040.

Of course, changes may happen in the future and standards may need to be adjusted. During the remaining years, Accessibility Standards Canada will focus on adjusting standards affected by major changes in the environment. Regular maintenance work will also continue.

Stream 2: Position Accessibility Standards Canada as a strong leader, partner and influencer

This work must be within the scope of Accessibility Standards Canada's mandate. There are 5 types of activities in this stream:

1. Conduct and share ongoing research. This includes research led by and done in consultation with people with disabilities. Then, update standards and monitor and report on progress. This includes developing indicators for what success looks like in terms of the impact of standards and seeking feedback from all stakeholders to make sure standards are working.
2. Work closely with the regulators to support the timely and effective addition of standards into regulations. Work with federally regulated entities to encourage adoption of accessibility standards that are not already added into regulations. This includes engaging with industry.
3. Liaise and coordinate with other standards development organizations and government entities within Canada and abroad. This will enable the organization to exercise leadership and influence to leverage expertise, maximize sharing, and avoid duplication.

4. Foster the harmonizing of accessibility standards across Canada. Do this by consulting and working with provincial and territorial governments.
5. Work with other organizations, diverse disability communities and industry to create a culture shift. This includes providing information, products and services about new and revised standards. It also includes sharing best practices for removing and preventing accessibility barriers.

Accessibility Standards Canada will become an accredited standards development organization. This will be obtained through the Standards Council of Canada. This will formally recognize the policies and processes that the organization follows when developing standards. It will also show that these processes align with best practices in Canada and abroad. This will open the door to having federal accessibility standards become part of the National Standards of Canada. It will also show that the organization is a leader in accessibility standards development.

1. Develop World-Class Standards

Several criteria can be used to decide when standards should be developed.

The following can help decide when standards should be (or should start to be) developed. There are 3 timeframes: the short term (by the end of 2024), the medium term (by the end of 2026), and the long term (by the end of 2028):

- **Timing.** This refers to the standard development period. This also considers the effect of technology and the risk of standards becoming outdated. This is to avoid acting too soon if, for example, a standard will be affected by advances in technology.
- **Resources.** This refers to the time it takes to form the Technical Committee that will develop the standard. It also refers to the research and other resources needed. A standard can be developed only if resources are available. To that end, it is estimated that no more than 9 technical committees should be operating at the same time. This number considers the current context as well as timing and resources. Ensuring there are enough qualified members for the technical committees is also a factor. This number does not include standards that Accessibility Standards Canada works on with other standards development organizations. It also does not generally include the work to review standards depending on the scope of each review process. See Appendix A for more information.
- **Safety.** This refers to whether the standard addresses a safety concern experienced by people with disabilities.
- **Priorities of Canadians.** This refers to the results of the public consultations that the organization held. These took place to learn how the public prioritizes the 7 areas listed in the Act. More consultations and different forms of engagement will be held in future. Being aligned with the priorities of diverse disability communities is critical. More opportunities for input will be provided through meetings with stakeholders, events, email, and other means. Continuing engagement is essential to reflect emerging barriers that people with disabilities face as the future unfolds.

- **Building positive relationships with other federal organizations as they develop regulatory plans and accessibility initiatives.** This will help ensure a productive working relationship with ESDC and other departments and agencies.
- **Alignment with the priorities of the Minister responsible for accessibility.** The Minister responsible for accessibility under the Act may issue general direction to the organization. The Minister may also send mandate letters to the Board. These could include direction related to standards development.
- **Alignment with the accessibility issues identified by the Accessibility Commissioner and the Chief Accessibility Officer.** Because these positions are not yet filled, they will not affect the standards developed in round 1.

Many federal partners are working to achieve a barrier-free Canada. When prioritizing standards, the findings of reports made by the Accessibility Commissioner and the Chief Accessibility Officer should be taken into account. These reports could be on systemic or emerging accessibility issues. These reports and other work could also inform standards development in the key areas where accessibility complaints are being made under the Act.

Prioritizing standards should also be informed by disability-related complaints made under the *Canadian Human Rights Act* to the Canadian Human Rights Commission that align with the key areas in the Act.

- **Working together with the CTA and CRTC.** This refers to the organization working with the CTA on standards related to transportation, and with the CRTC on standards related to information and communication technologies.

Appendix D explains the criteria that will be used to decide whether a standard should be developed in the first, second, or third round.

The standards in round 1 are those that will have an immediate impact. They can be developed (or start to be developed) by the end of 2024.

The standards in round 1 are those that can have an immediate and significant impact. These standards would aim to **reduce barriers within the first 3 years**.

Round 1 standards relate to employment, plain language and emergency services under the area of communication. They also relate to outdoor spaces under the area of built environment. These were key priorities identified by people with disabilities. That input informed the development of the Act. To align with these findings, the Board identified the following as priority areas for standard development in the short term:

- employment;
- plain language;
- emergency egress (exit); and
- outdoor spaces.

Standards in round 1 may also fall within the “top 3 priority” areas. These are areas identified by 30% to 50% of the people who participated in the public consultations led by the organization. These areas include:

- emergency measures (particularly in the time of a pandemic);
- wayfinding including signage (finding out where you are and how to get to your final location);
- procurement; and
- acoustics (sound quality).

By reducing barriers in the short term, the quality of life of people with disabilities could begin to improve well before 2040.

Round 2 standards are those that will have a high impact. These are standards that can be developed (or start to be developed) by the end of 2026.

These standards are in areas where **removing barriers will have a high impact** but are more complex to develop.

Standards developed during this round will fall within the priority areas identified by the Board. They will be based on consultations with Canadians.

Round 3 standards will aim to reduce barriers in the remaining and emerging priority areas. These are standards that can be developed (or start to be developed) by the end of 2028.

The standards developed in round 3 will fall within priority areas identified by the Board. They will be informed through public consultations.

Standards in this round may also address accessibility issues identified by the Chief Accessibility Officer and the Accessibility Commissioner.

Development of these standards will begin near the end of round 2. For them to be added to regulations, implemented, and have an impact before 2040, the target date for standards in round 3 to be completed is January 1, 2033.

The development process for all standards will be the same.

- The Board decides the priority areas for the standards. It also approves the selection criteria and terms of reference for Technical Committees.
- Accessibility Standards Canada staff recommend to the Board which standards will be developed and in what order. They support the formation and operation of technical committees. They also confirm that the committees follow the right process.
- The Technical Committees handle the details of the standards.

At every step, it will be critical to **engage and consult with people with disabilities**.

Accessibility Standards Canada is responsible for developing standards. These are voluntary standards only. They become mandatory only once they are made into regulations. This generally takes 2 years or more. The timelines set out in the Roadmap can be affected by different factors and may vary as a result.

Some standards depend on others. Some share similar goals.

Standards can relate to **more than 1 priority area**. For example, an employment standard may touch on technology and communication in round 1. Then in round 2, a specific technology-focused standard could be created.

A standard developed in an earlier round may need to be updated before a related standard can be created. Each standard is reviewed at least every 5 years. Sometimes, this will reveal a major update is needed because it will shape a future standard. This could delay the timing of the future standard.

All of the standards will work to remove barriers by 2040. As that happens, “**inclusion for all**” will become **an accepted part of Canadian society**. For example, it will be a given that all websites and mobile applications are accessible. As well, inclusion will be built into such tasks as getting and keeping a job, navigating buildings, and getting from place to place. Thus, every new standard will have the same outcome: ensuring equal opportunity for participation in society and in the economy.

2. Be a Strong Leader, Partner and Influencer

Stream 2 includes activities that will position Accessibility Standards Canada as a strong leader, partner and influencer.

Accessibility Standards Canada is only one player involved in creating a barrier-free society by 2040. The organization will need to work with other key players to achieve the vision. This includes a need for the organization to work closely with diverse disability communities to conduct research and develop standards that will remove and prevent barriers. Additionally, engagement with these communities is required to create a Canada-wide culture shift. Activities in stream 2 will support the work performed in stream 1.

2.1 To assess priorities, Accessibility Standards Canada will need to **conduct ongoing research**, including research led by and done in consultation with people with disabilities. Research will ensure the standards are relevant and continue to apply. Plus, it will support having a built-in cycle to review standards at least every 5 years. This cycle applies to all accredited standards development organizations.

The organization will need to **monitor its progress and report on the impact** being made by the standards and how they improve the lives of Canadians. This includes developing indicators for what success looks like in terms of the impact of standards.

To ensure that its work continually improves the lives of Canadians, the organization must be **flexible and adapt to change**. This may result in priorities shifting and new ones being added.

Other federal leaders may inform decisions about priorities for standards. This includes the Accessibility Commissioner and the Chief Accessibility Officer. Once they are appointed, they will report on systemic and emerging accessibility issues.

2.2 Accessibility Standards Canada will need to **work closely with the regulators**. This will support the timely addition of standards into regulations. It will also support effective implementation. The organization may suggest proposed timelines for the addition of

standards into regulations such as two years within their recommendation to the Minister responsible for accessibility.

The organization will also need to **work closely with federally regulated entities** to generate support as the standards are developed. These entities should be involved in the development process. This could make it more likely for them to adopt voluntary standards once they are developed.

- 2.3 Accessibility Standards Canada will **work with other government and standards development bodies (in Canada or abroad)**. This will allow the organization to **leverage the expertise of these entities. It will also avoid duplication**. For example, the organization will work with the CTA on transportation standards, with the CRTC on information and communication standards, and with the National Research Council and Canadian Standards Association on standards related to the built environment. This also includes working with the Canadian Standards Association to co-brand some standards and leverage the standards each organization develops.
- 2.4 Accessibility Standards Canada will **work with other levels of government to harmonize standards** across Canada and share best practices. Having the organization accredited by the Standards Council of Canada will be key. This will increase the organization's influence as a leader in the development of accessibility standards, both in Canada and abroad. It will also foster partnerships.
- 2.5 Accessibility Standards Canada will play a role in creating a barrier-free society by supporting barrier removal throughout the country. It will do so by providing information, products and services about new and revised standards. It will also do so by sharing best practices for removing and preventing accessibility barriers. Where possible and reasonable to do so, every effort will be made to have training and education led by people with lived experience.

It will also foster and support an inclusive Canadian culture. Such a culture would eliminate attitudinal barriers that hinder accessibility.

Obtaining accreditation will increase the organization's credibility as a driver of culture change.

Conclusion

Momentum for a barrier-free Canada is building. Accessibility Standards Canada has an important role to play.

Accessibility Standards Canada will work hard to develop standards that help achieve Canada's vision of a barrier-free society by 2040. The organization will also support this vision by working closely with others. This includes diverse disability communities, governments across Canada, federally regulated entities, and other standards development organizations. The Roadmap is a key tool for guiding these activities.

Appendix A: Information on Technical Committees

Technical Committee Selection Process

Overview

Standards development organizations, both in Canada and abroad, commonly form Technical Committees to develop standards. These committees are balanced groups of experts who develop the technical content of a standard.

Committee members are Canadian citizens or employees of an organization with Canadian interests. This is so they can represent Canadian viewpoints.

In that regard, balanced representation is key. It ensures that committees represent the views of varied communities. The Standards Council of Canada defines this as “a representation of interest groups in a Technical Committee such that no single category of interest can dominate the voting procedures.”

Accessibility Standards Canada is creating balanced committees that include people with disabilities as a separate category to add their expertise and knowledge. 30 percent of committee members must be people with disabilities. Lived experience is considered an asset for members of other categories.

Each committee has 12 to 18 members who represent the following:

- people with disabilities;
- industry and commerce;
- federal, provincial, and territorial governments and authorities;
- consumers and the public interest;
- labour and unions;
- academic and research bodies;
- non-governmental organizations;
- standards development organizations;
- federally-regulated public sector;
- federally-regulated industries and workplaces; and

- territorial private-sector firms and municipalities.

The organization can create additional stakeholder groups and categories if such additions are relevant to the committee.

Technical Committees are created in 3 steps:

1. The organization publishes a call for experts for a committee.
2. Reviewers carefully assess applications based on selection criteria pre-approved by the Board of Directors (Board). This application review process includes 3 stages. Lower levels of the organization complete the first 2 stages of review. A selection panel that includes the Chief Operating Officer completes the third stage. The selection panel proposes 12 to 18 members after their review. They also propose at least 1 alternate member for each stakeholder category. The Chief Executive Officer approves the members. The Board is not involved with review or selection.
3. The organization offers membership to approved applicants. Once 12 to 18 members agree to participate, the process is closed. Remaining applicants are told the positions have been filled.

Applicant Information

Applicants provide the following:

- Their contact information: Name, telephone number, email address, and physical address.
- The title and name of their organization, if applicable.
- Their stakeholder category (or categories).
- A summary of their expertise related to the committee's subject matter.
- Their resume.
- Their interest in the chairperson and/or vice chairperson positions.
- A summary of their expertise related to the chairperson and/or vice chairperson positions if they are interested.

Selection Criteria

The applicants must show they have relevant experience. This includes lived experience, professional or volunteer experience, education and training, and technical knowledge. Accessibility Standards Canada staff grade the applications and propose members based on the selection criteria and scoring system.

The organization can add criteria if it is:

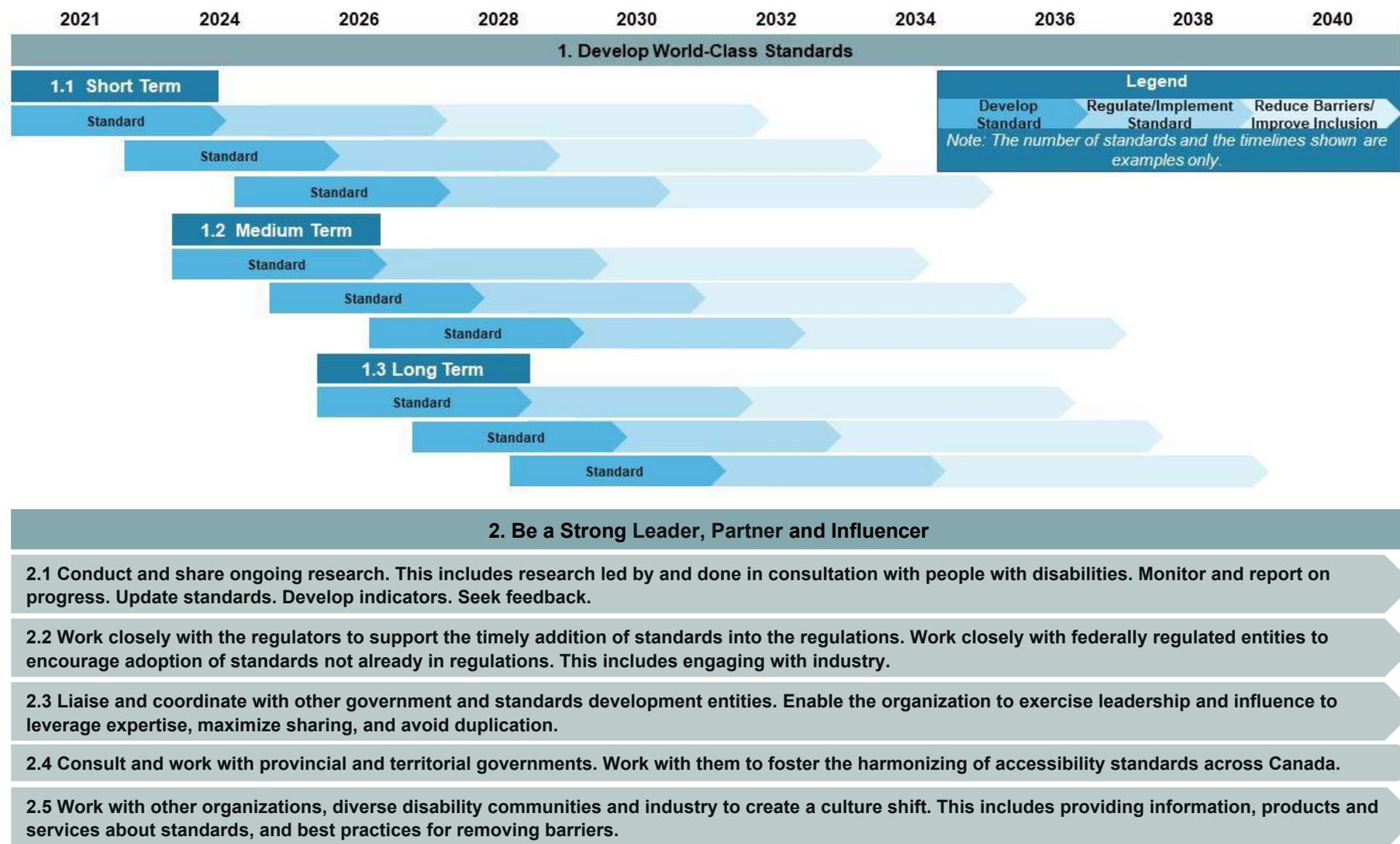
- relevant to the committee;
- approved by the Board before the selection process begins; and
- documented in the committee's terms of reference.

A total maximum of 9 Technical Committees are expected to be operating at any given time.

Nine is an estimated number that takes into consideration several factors. These are outlined below:

- **Current context.** Currently, there are 4 committees working at the same time. It is expected that another 3 will be launched in 2021, and 1 or 2 more in 2022. In that case, there will be 9 separate committees developing standards, supported by the organization's Standards Development team. This team will also lead other initiatives, such as co-developing standards with other standards bodies.
- **Timing.** It takes about 24 to 30 months to develop a standard. If it is very complex or broad in scope, it can take 3 years or more.
- **Other factors.** A variety of elements come into play when setting or adjusting Accessibility Standards Canada's standards development work plan. This includes the availability of qualified committee members and the complexity of a standard. Other government entities that develop or are responsible for standards also play a role.

Appendix B: Visual Version of Roadmap



Appendix C: Descriptive Text Version of Roadmap to 2040

The Roadmap begins in 2021. However, it includes the standards already under development. It also includes the other work done by Accessibility Standards Canada, such as building partnerships, conducting research, and working with the disability community.

Stream 1

The first stream of activities involves developing world-class standards. This stream has 3 rounds.

- 1.1 **Standards developed in the short term.** The first round begins in 2021. These are standards that are being (or will start to be) developed by the end of 2024.
- 1.2 **Standards developed in the medium term.** The second round begins in 2023. These are standards that will be (or will start to be) developed by the end of 2026.
- 1.3 **Standards developed in the long term.** The third and final round begins in 2025. These are standards that will be (or will start to be developed) by the end of 2028.

Appendix D explains the criteria that will be used to select the standards for each round. Once it is developed, a standard is added to regulations, which takes about 2 years. After it is implemented, barriers may begin to be reduced and inclusion improved. The organization will ensure the standards remain relevant and continue to apply. This will be done through a built-in cycle to review standards at least every 5 years.

Stream 2

The second stream of activities includes positioning Accessibility Standards Canada as a strong leader, partner and influencer. This stream is further divided into 5 sets of activities.

- 2.1 These activities include conducting and sharing ongoing research. This includes research led by and done in consultation with people with

disabilities. These activities also include monitoring and reporting on progress. They also include updating standards to ensure they have a tangible impact on the lives of Canadians. This includes developing indicators for what success looks like in terms of impacting standards and seeking feedback from all stakeholders to make sure standards are working. These activities will begin in 2021 and continue until 2040.

- 2.2 These activities include working closely with the regulators. This will support the timely addition of standards to the regulations. These activities also include working with federally regulated entities to encourage adoption of standards that are not already added into regulations. As part of this the organization will engage with industry. These activities will begin in 2021 and continue until 2040.
- 2.3 These activities include liaising and coordinating with other standards development organizations and government entities. This will enable the organization to exercise leadership and influence to leverage expertise, maximize sharing, and avoid duplication. These activities will begin in 2021 and continue until 2040.
- 2.4 These activities are focused on harmonizing accessibility standards across Canada. This involves consulting and working with provincial and territorial governments. These activities will begin in 2021 and continue until 2040.
- 2.5 These activities include working with other organizations, diverse disability communities and industry to create a culture shift. This includes providing information, products and services about new and revised standards. It also includes sharing best practices for removing and preventing accessibility barriers. These activities will begin in 2021 and continue until 2040.

Appendix D: Development Criteria

This table presents standards development criteria as well as the timing of standards to be developed or begin to be developed in the short term, medium term and long term.

Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Timing	<p>Next 1 to 3 years</p> <ul style="list-style-type: none"> • These are standards that may be less affected by technological changes. They may be less likely to become outdated in the short term. 	<p>Next 2 to 5 years</p> <ul style="list-style-type: none"> • These standards may be more affected by technological changes. They may be at greater risk of becoming outdated if developed in round 1. 	<p>Next 4 to 7 years</p> <ul style="list-style-type: none"> • These standards may be more affected by technological changes. They may be at greater risk of becoming outdated if they are developed in the short term.

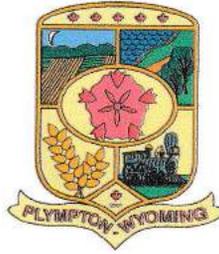
Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Resources	<ul style="list-style-type: none"> • Technical Committees are already formed or may be formed soon. • Research is readily available or could be done in the short term (next 3 years). • 9 Technical Committees are up and running. 	<ul style="list-style-type: none"> • Technical Committees will be formed in the future. • Additional research needs to be conducted. This would be done by the organization or through the grants and contributions program, depending on resource availability. • 9 Technical Committees are up and running. 	<ul style="list-style-type: none"> • Technical Committees will be formed in the future. • Additional research needs to be conducted. This would be done by the organization or through the grants and contributions program, depending on resource availability. • 9 Technical Committees are up and running.
Safety	<ul style="list-style-type: none"> • These standards may address safety concerns experienced by people with disabilities. 	<ul style="list-style-type: none"> • These standards are not related to safety concerns. 	

Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Priorities identified through consultation with Canadians	<ul style="list-style-type: none"> • These standards fall in an area seen as a priority by people with disabilities during consultations that informed the development of the <i>Accessible Canada Act</i>. • Other standards in this round may fall into a priority area identified during other consultations led by the organization. 	<ul style="list-style-type: none"> • Standards developed during rounds 2 and 3 will fall within priority areas identified by the Board. They will be informed primarily by public consultations and as well by other things, including staff guidance, and Board knowledge. 	
Alignment with other federal organizations' plans and initiatives	<ul style="list-style-type: none"> • Standards that align with the current and short-term regulatory plans and accessibility initiatives of Employment and Social Development Canada (ESDC) and other departments and agencies. 	<ul style="list-style-type: none"> • Standards that align the medium-term regulatory plans and accessibility initiatives of ESDC and other departments and agencies. 	<ul style="list-style-type: none"> • Standards that align the long-term regulatory plans and accessibility initiatives of ESDC and other departments and agencies.

Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Alignment with the priorities of the Minister responsible for accessibility	<ul style="list-style-type: none"> Standards that align with the Minister's short-term priorities and direction. 	<ul style="list-style-type: none"> Standards that align with the Minister's medium-term priorities and direction. 	<ul style="list-style-type: none"> Standards that align with the Minister's long-term priorities and direction.

Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Alignment with the priorities identified by the Accessibility Commissioner and the Chief Accessibility Officer	<ul style="list-style-type: none"> <i>This does not affect round 1 because these priorities are not yet identified.</i> 	<ul style="list-style-type: none"> Standards that align with medium-term priorities based on reports from the Accessibility Commissioner and Chief Accessibility Officer. Standards to address systemic or emerging accessibility issues identified in the medium term or accessibility complaints. The organization's scope in the development of related standards is clearly defined. 	<ul style="list-style-type: none"> Standards that align with long-term priorities based on reports from the Accessibility Commissioner and the Chief Accessibility Officer. Standards to address systemic or emerging accessibility issues identified in the long term or accessibility complaints. The organization's scope in the development of related standards is clearly defined.

Criteria	Round 1: Short term (by the end of 2024)	Round 2: Medium term (by the end of 2026)	Round 3: Long term (by the end of 2028)
Working together with the Canadian Transportation Agency (CTA) and Canadian Radio-Television Commission (CRTC).	<ul style="list-style-type: none"> Standards developed in collaboration with, or support the standards being developed by, the CTA and CRTC in the short term. 	<ul style="list-style-type: none"> Standards developed in collaboration with, or support the standards being developed by, the CTA and CRTC in the medium term. 	<ul style="list-style-type: none"> Standards developed in collaboration with, or support the standards being developed by, the CTA and CRTC in the long term.



Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A1A1 (Sent via email)

January 14, 2022

Re: Fire Safety Measures – Request to Review the Ontario Fire Code Retrofit Section 9.5

Please be advised that on January 12th 2022 the Town of Plympton-Wyoming Council passed the following motion to support the City of Kitchener's resolution (attached) regarding fire safety measures and a request to review the Ontario Fire Code Retrofit Section 9.5.

Motion 19

Moved by Mike Vasey

Seconded by Gary Atkinson

That Council supports item 't' of correspondence from the City of Kitchener regarding fire safety measures, and directs staff to prepare a letter of support.

Motion Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak

Clerk

Town of Plympton-Wyoming

Cc: (all sent via e-mail)

Honourable Steve Clark, Minister of Municipal Affairs and Housing

Monika Turner, Association of Municipalities of Ontario

All Ontario Municipalities

The Corporation of the Town of Plympton-Wyoming

P.O. Box 250, 546 Niagara Street, Wyoming Ontario N0N 1T0

Tel: 519-845-3939 Ontario Toll Free: 1-877-313-3939



CHRISTINE TARLING
Director of Legislated Services & City Clerk
Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519.741.2200 x 7809 Fax: 519.741.2705
christine.tarling@kitchener.ca
TTY: 519-741-2385

December 1, 2021

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Premier Ford:

This is to advise that City Council, at a meeting held on November 22, 2021, passed the following resolution regarding fire safety measures:

"WHEREAS the Government of Ontario, in December 1975, enacted the Ontario Building Code for the purpose of regulating the construction of new, safe buildings within the Province of Ontario; and,

WHEREAS the Government of Ontario, in November 1981 enacted the Ontario Fire Code for the purpose of maintaining the life safety systems of all buildings within the Province of Ontario; and,

WHEREAS the Government of Ontario, in November 1983 began the process of amending the Ontario Fire Code to include Retrofit provisions, for the purpose of providing a minimum level of life safety for those existing buildings which had not been built under the provisions of any version of the Ontario Building Code; and,

WHEREAS the government of Ontario, in October 1992 amended the Ontario Fire Code Retrofit provisions, for the purpose of providing a minimum level of life safety to buildings classed as low rise residential (9.5); and,

WHEREAS October 2021 marks twenty-nine (29) years since the requirements outlined by Retrofit 9.5 have been substantially updated; and,

WHEREAS this lack of currently appropriate standards for self-closing devices on suite doors and positive latching on exit stairwell doors has led to significant serious injuries, deaths, long term dislodgement of residents, and significant unnecessary insurance loss due to allowed building deficiencies;

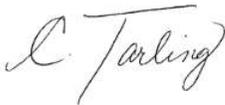
THEREFORE IT BE RESOLVED that the City of Kitchener urges the government of Ontario to direct the Ontario Fire Marshal's Office – Technical Services, to undertake an immediate review of that portion of the Ontario Fire Code known as Retrofit Section 9.5;

THEREFORE IT FURTHER BE RESOLVED that the City of Kitchener urges the Government of Ontario to, as expeditiously as possible, amend the Ontario Fire Code Sentence 9.5.2.8.(1) to require self closing devices on all suite closures (doors) within low rise residential buildings: and,

THEREFORE IT FURTHER BE RESOLVED that the City of Kitchener urges the Government of Ontario to, as expeditiously as possible, amend the Ontario Fire Code Sentence 9.5.3.3.(3) to require that closures (doors) entering exit stairwells be equipped with both self-closing devices and positive latching; and,

THEREFORE IT FINALLY BE RESOLVED that a copy of this resolution be forwarded to the Honourable Premier of Ontario, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario; and, all other Ontario municipalities."

Yours truly,



C. Tarling
Director of Legislated Services
& City Clerk

c: Honourable Steve Clark, Minister of Municipal Affairs and Housing
Monika Turner, Association of Municipalities of Ontario
Ontario Municipalities

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



January 19, 2022

107-2022-110

His Worship Carman Kidd
Mayor, City of Temiskaming Shores
325 Farr Drive, PO Box 2050
Haileybury ON P0J 1K0
ckidd@temiskamingshores.ca

Dear Mayor Kidd:

I am pleased to announce the launch of the 2021-22 Gas Tax Program and to advise you of your funding allocation.

Our government is committed to working with municipalities to improve Ontario's transportation network and support economic growth. Investing in transit will reduce traffic congestion, create jobs and help businesses to develop and prosper.

The City of Temiskaming Shores will be eligible to receive an allocation of **\$136,956** for this program year. In the coming days we will be forwarding the electronic versions of your Letter of Agreement, along with program guidelines, reporting forms and the Canadian Content for Transit Vehicle Procurement policy to the primary contact at the City of Temiskaming Shores.

Please return a scanned copy of the signed Letter of Agreement, in pdf format, and the required supporting by-law (if applicable), and the 2021 Reporting Forms to **MTO-PGT@ontario.ca**.

The City of Temiskaming Shores currently provides a public transit service that includes service to, and receives financial contributions from, the Town of Colbalt.

As your municipality is the host for the provision of this joint service, we therefore request that your supporting Council by-law confirm that your municipality is continuing to act as the host for the other supporting municipalities.

.../2

The ministry recognizes that COVID-19 impacted gasoline sales in 2020-21. As a result, the province has committed \$120M in *one-time* additional funding to address the impacts of COVID-19 on the 2021-22 Gas Tax program. The one-time additional funding announced through the 2021 Fall Economic Statement (FES) maintains the funding envelope at the level of the 2020-21 program year. This funding will help stabilize 2021-22 program allocations as the province continues its COVID-19 recovery and transit systems begin to build back their ridership levels.

In order to further mitigate the impact of COVID-19, the ministry is using 2019 ridership instead of 2020, and will be using municipal spending figures from either 2019 or 2020, whichever is higher, when calculating municipal allocations. These actions will stabilize allocations, ensure that all municipalities can receive their largest allocation possible under the program, and ensure that no municipality is unduly penalized.

If you have any questions regarding the Gas Tax program, please contact Kevin Dowling, Acting Director, Municipal Programs Branch, at kevin.dowling@ontario.ca.

Sincerely,



Caroline Mulroney
Minister of Transportation

- c. Mayor George Othmer, Town of Cobalt
John Vanthof, MPP, Timiskaming—Cochrane



District School Board Ontario North East

Schumacher Board Office

Street Address

153 Croatia Avenue, Schumacher, ON P0N 1G0

Mailing Address

P.O. Box 1020, Timmins, ON P4N 7H7
705-360-1151

New Liskeard Board Office

198022 River Road

New Liskeard, ON P0J 1P0

705-647-7394

Ministry of Transportation of Ontario
777 Bay Street, 5th floor
Toronto, ON
M7A 1Z8

Re: 2+1 Roadway Pilot Project, TCP number 000-0045

Dear Ms. Mulroney,

At the January 18, 2022, meeting of the Board, District School Board Ontario North East Trustees unanimously passed motion 8125-22 (herewith) authorizing the crafting of a letter of support for the 2+1 Roadway Pilot Project for Highway 11, from North of Highway 64 to Jumping Caribous Lake Road (Temagami Area).

8125-22 WIWCHAR / PEEVER: THAT the Board of Trustees direct the Chair of the Board to submit a letter of support to the Minister of Transportation for the 2+1 Roadway Pilot Project Highway 11, from North of Hwy 64 to Jumping Caribou Lake Road Hwy 11; Therein to also express a rationale for such a choice: TCP Notice 000-0045

CARRIED

Whereas the Board of Trustees are concerned with the safety of student travel to and from school from their homes as well as the travel on the same roadway for athletics and post secondary studies.

And whereas the Board of Trustees are concerned with the safety of all citizens who travel the roadway.

To develop a 2+1 highway model applicable for Ontario will provide a cost-effective means of enhancing overall safety and efficiency of highways while supporting highway maintenance.

Highway 11 meets selection parameters and criteria as outlined in the 2+1 Site Selection Criteria Report and is listed as one of the top two (2) potential locations based on scoring.

Be it resolved that we, the Board of Trustees of District School Board Ontario North East support the 2+1 Roadway Pilot Project for Highway 11.

CHAIR OF THE BOARD

cc:

Charlie Angus, MPP, Timmins, James Bay
Gilles Bisson, MPP, Timmins
Guy Bourgoin, MPP, Mushkegowuk, James Bay
John Vanthof, MPP, Timiskaming, Cochrane
Carol Hughes, MP, Algoma, Manitoulin, Kapuskasing
Dan O'Mara, Mayor, Temagami
Anthony Rota, MP, Nipissing - Timiskaming



January 25, 2022

District of Timiskaming Community Safety and Well-being Plan Update

Dear Head of Council/Chief Administrative Officer/Municipal Clerk:

We'd like to provide an update on the status of the Community Safety and Well-being Plan for the District of Timiskaming and Temagami. To support the fulsome development of the Plan, the Steering Committee has extended the project timeline to March 31st, 2022.

The CSWB Plan's development has been progressing well. The project's Advisory Committee met on January 17th for a second working group meeting. Six Community Priority Areas have been identified for inclusion in the Plan:

1. Health and Well-being
2. Housing
3. Employment & Economy
4. Poverty
5. Community Safety
6. Environment & Sustainability

The Community Survey for the public's engagement in the Plan's development, was made available on January 24th. The plan is for the survey in active in the field for 3 weeks, closing on February 13th. We encourage you to promote participation in the survey by your residents.

The project's Advisory Committee will be reconvening for a third working committee meeting in early March at which point the Plan development will be reaching it final stages in preparation for submission to the project's Steering Committee by the end of the month of March.

If you have any questions at this point you can contact me at nick.chauvin@lbcg.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Chauvin', with a long horizontal flourish extending to the right.

Nick Chauvin, Project Lead



NOMA, FONOM, and NOSDA met jointly with government at ROMA to discuss the Mental Health, Addictions, and Homelessness Crisis in the North

For release: January 26, 2022

The Northwestern Ontario Municipal Association (NOMA), the Federation of Northern Ontario Municipalities (FONOM), and the Northern Ontario Service Deliverers Association (NOSDA) jointly discussed the crisis of Homelessness, Mental Health, and the Opioid Crisis with the Provincial Government yesterday at the ROMA Conference. NOMA President Wendy Landry, FONOM President Danny Whalen, and NOSDA Chair Michelle Boileau shared with the six Provincial Ministers, Associate Minister, and two Parliamentary Assistants the experiences in our communities. Danny Whalen commented, **“having the three organizations coming together today with over 20 individuals represented on the call shows just how important this is and the need to address these issues in the North.”**

The three organizations shared with government a research paper written by the Northern Policy Institute titled “Solving the Homelessness, Mental Health and Addictions Crisis in the North”. This paper provided 8 recommendations: provide long-term funding for capital repairs on community-housing units, amend the Health Protection and Promotion Act, 1990 to define a ‘Northern Service Hub’ and provide additional funding to these hubs, establish a joint taskforce to collect data and intelligence on the underlying and systematic retention issues of healthcare professionals in Northern Ontario, support new and existing ‘Housing First’ programs, support new and existing Indigenous culturally sensitive community-housing facilities, establish a ‘Northern Mental Health and Addictions Centre of Excellence’ to address the unique challenges of service and program delivery in Northern Ontario, contract a third-party operator for interfacility patient transfers to relieve the workload of paramedics, and establish mandated Mobile Crisis Intervention Teams in municipalities throughout Northern Ontario.

President Wendy Landry commented **“it is important to take an all of government approach, to manage and find made in the North solutions to the Mental Health and Addictions Crisis”**. Michelle Boileau commented, “we want to work with this government to ensure the right resources are put in the right communities to reach people who need the resources where they live”, further **“above all, we ask that this government recognize municipalities and NOSDA as a partner in our collective efforts to address the growing mental health and addiction challenges.”**

The three organizations shared personal experiences from their own communities to paint a picture of what the mental health, addictions, and homelessness crisis looks like and how it is affecting people in every community across Northern Ontario. We are greatly appreciative of all the hard work and funding the government has given to help those in the North get the support they need but much more work is needed to ensure every person is receiving the best level of service regardless of where they live.

FONOM President
Danny Whalen
705-622-2479

NOMA President
Wendy Landry
807- 626-6686

NOSDA Chair
Michelle Boileau
705-465-5026

Executive Summary

Urgent action is required to address the homelessness, addiction, and mental health crisis in Northern Ontario. 2021 homeless enumeration data shows that Sault Ste. Marie, and the Districts of Kenora, Nipissing, and Cochrane have larger homeless populations than the five largest municipalities in Ontario. In fact, Thunder Bay and the District of Cochrane have more than double the homeless populations of Ottawa, Hamilton, and Waterloo, respectively. More astonishing is the growing number of people struggling with opioid addiction in Northern Ontario. Extreme spikes in opioid-related emergency department (ED) visits and deaths in most northern Public Health Units shows 2020 to be the most tragic and deadliest year yet of the opioid crisis. The growing number of people struggling with homelessness and addiction in Northern Ontario strongly indicates that there is also a mental health crisis amongst vulnerable populations. This paper also finds that the mental health crisis is not merely restricted to vulnerable populations in the North, but rather that Northern Ontarians in general are experiencing poorer mental health than Ontarians in the rest of the province.

As the homelessness, addiction and mental health crisis worsens in Northern Ontario, it is clear that current services and programs are not adequately meeting the needs of northern communities. As the ones 'on the ground', municipal governments face tremendous pressure from their tax-bases to solve homelessness, addiction, and mental health issues in their community but are restricted by tight budgets. A collaborative approach ought to be taken by the federal, provincial, and municipal governments in order to solve these issues. In particular, there is opportunity for the provincial government to support existing community-led services and programs which align with commitments already made by the provincial government in the 'Roadmap to wellness'. Provincial support for existing services and programs is an 'easy win' for all levels of government against the homelessness, addiction, and mental health crisis.

This paper identifies eight strategies governments can take to improve the homelessness, addiction, and mental health crisis in Northern Ontario. Those strategies are:

1. Provide long-term funding for capital repairs on community-housing units
2. Amend the *Health Protection and Promotion Act, 1990* to define a 'Northern Service Hub' and provide additional funding to these hubs
3. Establish a joint taskforce to collect data and intelligence on the underlying and systematic retention issues of healthcare professionals in Northern Ontario
4. Support new and existing 'Housing First' programs
5. Support new and existing Indigenous culturally sensitive community-housing facilities
6. Establish a 'Northern Mental Health and Addictions Centre of Excellence' to address the unique challenges of service and program delivery in Northern Ontario
7. Contract a third-party operator for interfacility patient transfers to relieve the workload of paramedics
8. Establish mandated Mobile Crisis Intervention Teams (MCIT) in municipalities throughout Northern Ontario

This paper provides evidence that these strategies are highly effective and economically viable ways to reduce the number of people struggling with homelessness, addiction, and mental health issues in Northern Ontario.

Solving the Homelessness, Addiction and Mental Health Crisis in the North

Introduction

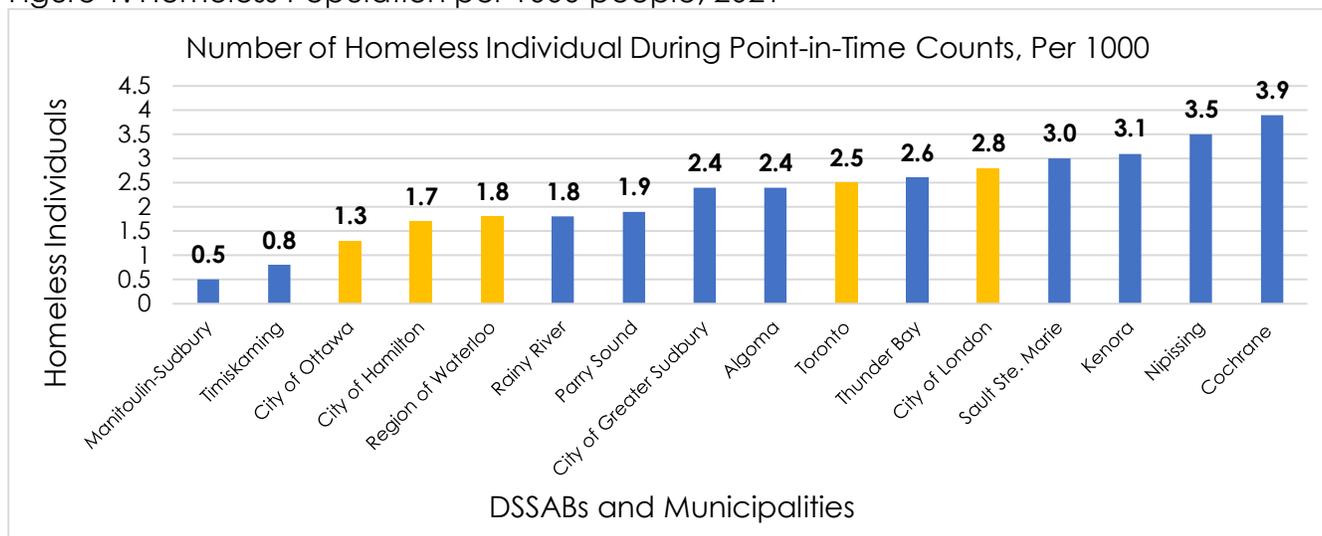
Northern Ontario is experiencing a homelessness, addiction, and mental health crisis. While these issues are not new in the North, significant gaps in health services around homelessness, addiction, and mental health have exacerbated the crisis. The growing number of Northerners suffering from homelessness, addiction, and mental health issues have ignited robust discussions at the provincial and municipal level around strategies to address service gaps. In 2019, the Association of Municipalities Ontario (AMO) published three detailed reports on homelessness, addiction, and mental health in Ontario, outlining recommendations for all levels of government. In March 2020, Ontario's provincial government published the *Roadmap to wellness*, introducing a new plan for the mental health and addiction service system (Government of Ontario, 2021c). Not long after, Ontario's Big City Mayors (OBCM) published a report calling on provincial and municipal governments to act boldly to address service gaps and vocalized their support for the *Roadmap to wellness* (OBCM, 2021). Later in 2021, Northern Ontario Municipal Association (NOMA), the Federation of Northern Ontario Municipalities (FONOM) and Northern Ontario Service Delivery Association (NOSDA) collaborated with municipal governments to draft a multi-ministry delegation package for mental health, addictions, and housing. This flurry of coordinated activity from municipal actors is indicative of the seriousness of the homelessness, addiction, and mental health crisis in the North.

This commentary seeks to further the coordinated efforts of municipal actors by offering timely data that supports highly effective strategies that governments can take to address this crisis. This commentary will start with an overview of the homelessness, addiction, and mental health crisis, followed by a brief explanation of the role and responsibilities of provincial and municipal governments. Roles and responsibilities of provincial and municipal governments will be discussed to provide context for the recommended strategies provided in the third section of this commentary.

The Homelessness, Mental Health and Addiction Crisis in the North

Section 19.1 of the *Housing Services Act, 2011* requires service managers – or District Social Service Administration Boards (DSSABs) in the North – to conduct detailed enumerations of their homeless populations every two years beginning in 2018. Homeless enumerations offer important insight on the characteristics and needs of homeless populations in specific communities and regions. Figure 1 shows that Sault Ste. Marie and the Districts of Kenora, Nipissing, and Cochrane¹ have higher homeless populations than the five largest municipalities in Ontario. With the largest homeless population in Northern Ontario, the District of Cochrane has more than double the homeless populations in Ottawa, Hamilton and the region of Waterloo.

Figure 1. Homeless Population per 1000 people, 2021²



Source: Author's calculations from 2021 enumeration reports from DSSABs and municipalities, and Statistics Canada census district population projections.

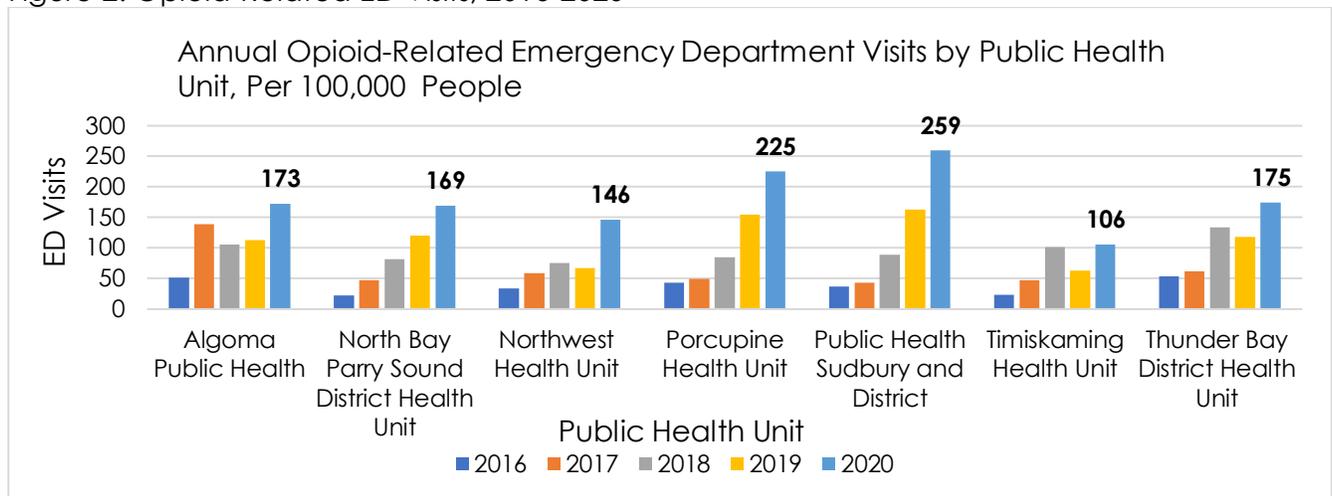
¹Raw homeless enumeration data was provided by DSSABs and the City of Greater Sudbury. This data did not specify the communities in which homeless enumerations were conducted. Thus, it is assumed that homeless enumeration data represents entire DSSAB service areas. Where DSSAB service boundaries align with Census District boundaries – Cochrane, Kenora, Nipissing, Parry Sound, Rainy River, Thunder Bay and Timiskaming – DSSAB service areas will be referred to as 'the District of'. The service area of Sault Ste. Marie DSSAB will be referred to as simply 'Sault Ste. Marie'. The service area of Sudbury-Manitoulin DSSAB will be referred to as simply 'Sudbury-Manitoulin'. The service area of Algoma DSSAB will be referred to 'the District of Algoma', but notably and unlike the Census District of Algoma, this paper excludes the City of Sault Ste. Marie when referring to 'the District of Algoma'. As Greater Sudbury is a single-tier municipality with a Consolidated Municipal Service Manager, it is referred to as simply 'the City of Greater Sudbury'.

² Southern Ontario cities and regions included in Figure 1 were chosen based on available data from 2021 Enumeration Reports at the time of the publication of this paper. 2021 Homeless Enumeration data was unavailable for the district of Thunder Bay.

Moreover, Sault Ste. Marie and Thunder Bay DSSABs – the only two DSSABs that completed a point-in-time (PiT) count in a previous year³ – reported an astonishing growth of homeless populations within their service area boundaries. Between 2016 and 2018, Sault Ste. Marie reported a 70 per cent increase in the city's homeless population, with a 58 per cent increase between 2018 and 2021 alone. In the District of Thunder Bay, the homeless population increased by 50 per cent between 2016 and 2018.

There is also a growing number of people struggling with addiction in Northern Ontario. As seen in Figures 2 and 3, 2020 was the most tragic and deadly year of the opioid crisis in the last five years. Between 2016 and 2020, opioid-related ED visits increased by an astonishing 695 per cent in the Porcupine Health Unit; 616 per cent in the North Bay Parry Sound District Health Unit; 522 per cent in the Public Health Sudbury and District, and 355 per cent in Thunder Bay District Health Unit (Public Health Ontario, 2021)⁴. At the lower end of the spectrum, all other northern Public Health Units still more than doubled their 2016 amounts in 2020⁵.

Figure 2. Opioid-Related ED Visits, 2016-2020



Source: Public Health Ontario Interactive Opioid Tool, 2021.

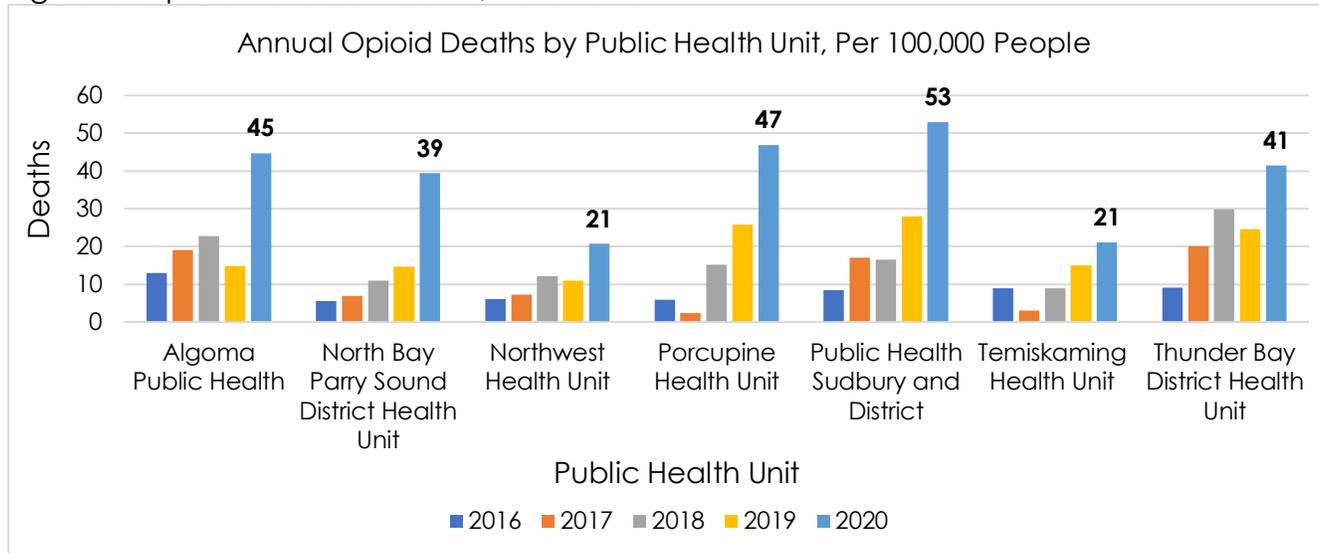
³ Prior to 2020, municipalities could choose from three methods to conduct their homelessness enumerations: a PiT count, a period prevalence count, or a combination of the two. Due to the logistical challenges of conducting homelessness enumerations in large, sparsely populated districts, most DSSABs opted to conduct period prevalence counts or a combination of the two. According to Employment and Social Development Canada, "results from various communities show that period prevalence counts enumerate between 3 and 10 times as many people as point-in-time counts". Therefore, data collected by period prevalence counts in 2018 is inconsistent with data collected by PiT counts in 2021.

⁴ N.B. Public Health Unit have custom service area boundaries that do not align geographically with DSSAB boundaries

⁵ While Renfrew County and District Health Unit partially covers territory in Ontario's central, western and northern regions, it has been omitted from this commentary as the majority of the population within this public health unit is situated on territory outside of the political borders of Northern Ontario as defined by the Province of Ontario.

Corresponding with opioid-related ED visits, opioid-related deaths increased significantly in every northern Public Health Unit between 2015 to 2020. Importantly, Figure 3 shows an extreme spike in opioid-related deaths in 2020 compared to 2019. Opioid-related deaths increased by 200 per cent in Algoma Public Health Unit and 168 per cent in North Bay Parry Sound District Health Unit **in a single year**.

Figure 3. Opioid-Related Deaths, 2016-2020

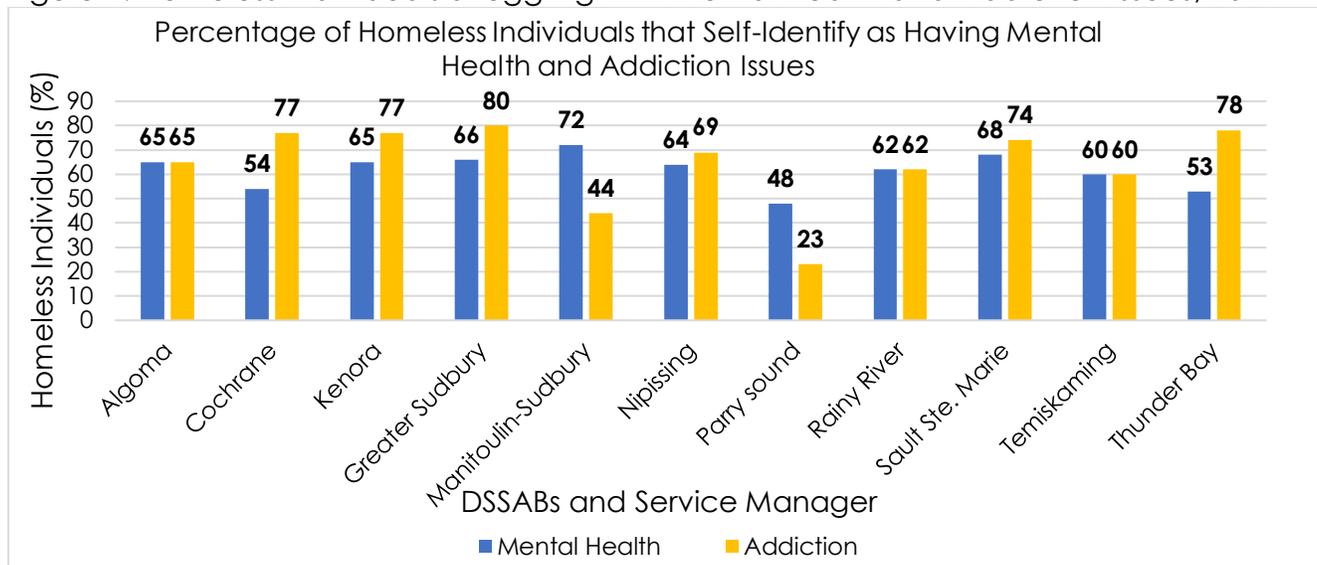


Source: Public Health Ontario Interactive Opioid Tool, 2021.

The growing number of people struggling with homelessness and addiction in Northern Ontario are strong indicators that there is also an ongoing mental health crisis. While mental health issues do not always lead to homelessness or addiction, or vice-versa, an abundance of research literature from organizations such as the Canadian Mental Health Association (CMHA) and the World Health Organization shows homelessness, addiction, and mental health to be interconnected, and part of a larger, multifaceted socio-economic issue. As such, homeless populations are disproportionately affected by mental health and addiction. Figure 4 shows that a staggering 72 per cent of homeless individuals in Manitoulin-Sudbury suffer from mental health issues, followed by 68 per cent in Sault Ste. Marie, and 66 per cent in the City of Greater Sudbury. In the City of Greater Sudbury, 80 per cent of the homeless population suffer from addiction, followed

by 78 per cent in the District of Thunder Bay, and 77 per cent in the Districts of Cochrane and Kenora.

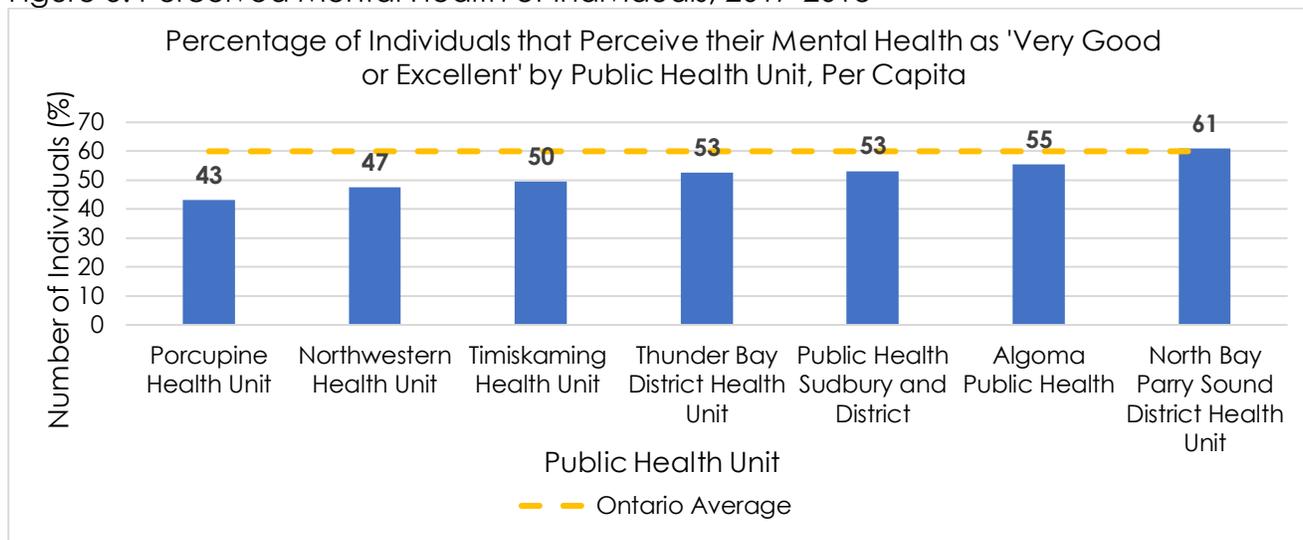
Figure 4. Homeless Individuals Struggling with Mental Health and Addiction Issues, 2021



Source: 2021 enumeration reports from DSSABs and City of Greater Sudbury.

Of course, it must be noted that mental health issues are not merely restricted to homeless individuals, but rather, affect the general population in Northern Ontario. CMHA found that Northern Ontarians self-reported higher rates of depression than the provincial average (CHMA 2009, 2), while Figure 5 shows that the number of Northern Ontarians who perceived their mental health as 'very good or excellent' is below the provincial average, except in North Bay Parry Sound District Health Unit. This data suggests there is a need from many community members in the North for mental health services and programs.

Figure 5. Perceived Mental Health of Individuals, 2017-2018



Source: Author's calculations from Statistics Canada health characteristics, two-year period estimates, and Census Profiles, Public Health Units, 2016 Census.

The Role and Responsibility of Government

The Constitution Act, 1867, as well as federal and provincial legislation and jurisprudence, define the role and responsibilities of all levels of governments regarding homelessness, addiction, and mental health issues. In terms of homelessness, the *Housing Services Act, 2011* states that the role of the provincial government is to provide general oversight and policy direction for “community-based planning and delivery of housing and homelessness services” (Government of Ontario, 2021b). More specifically, the provincial government is required to “assess current and future local housing needs, plan for local housing and homelessness services to address needs, and measure and report on progress” (Government of Ontario, 2021d). Furthermore, Article 92, Section 7 of the *Constitution Act, 1867* assigns the responsibility of public health to provincial governments. As homelessness, addiction and mental health **all** fall within the domain of public health, provincial governments are responsible for “developing and enforcing legislation, regulation, standards, policies and directories” to solve these issues (Public Health Ontario, 2020).

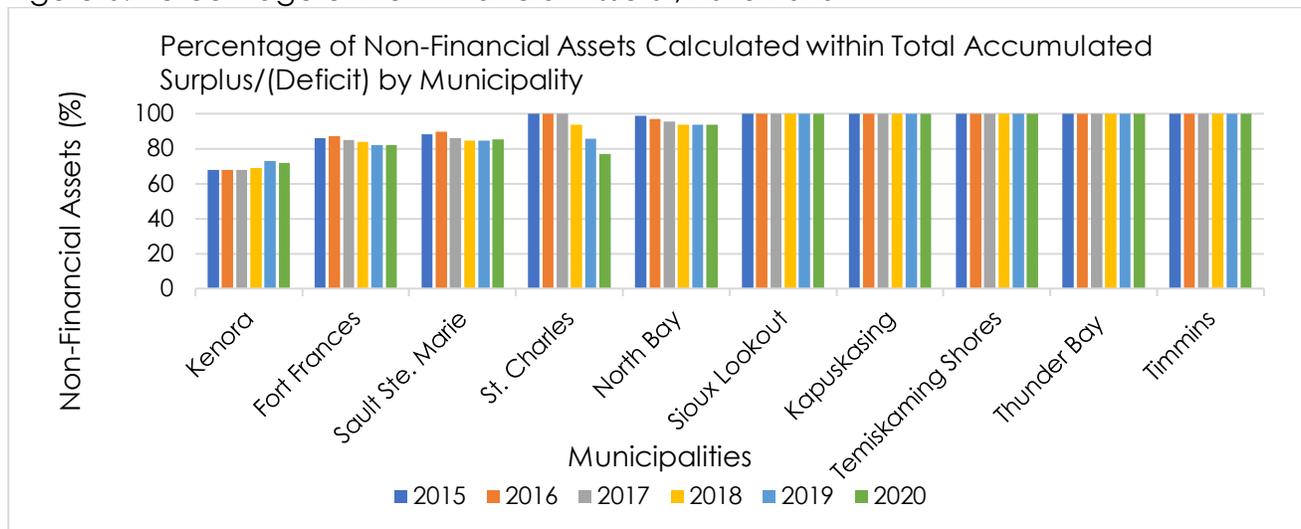
Municipal governments in Ontario play a unique role in community-housing – housing that is owned, operated and subsidized by non-profit organizations, municipal governments or DSSABs for low-income individuals or families (Government of Ontario, 2021a) – compared to the rest of the country. Since community-housing was downloaded from the province in 2001 and 2002, municipal governments act as local planning authorities, administrators of local community housing systems, and funders of housing benefits and rent (Government of Ontario, 2021d). In Northern Ontario, DSSABs – and Consolidated Service Manager in the City of Greater Sudbury – are responsible for the development of housing stock and the delivery of homelessness prevention programs (AMO 2019c, 10). DSSABs must outline their housing strategy in a ten-year housing and homelessness plan, and this plan must include strategies that address the housing needs of communities and that are in-line with provincial priorities (AMO 2019c, 11).

For health care and public health services, the role of municipal governments is as the employer for health services and funding partners to the provincial government (AMO 2019b, 15). Under the *Health Protection and Promotion Act, RSO, 1990*, provincial and municipal governments are required to cost-share the financial burden of health services, with the provincial government covering 75 per cent of service fees and municipal governments covering the remaining 25 per cent (AMO 2019b, 15). Municipal governments also support Public Health Units by providing a local lens to view policies and services (AMO 2019b, 15).

Despite well-defined roles of governments in Canada, as the ones 'on the ground', municipal governments face extraordinary pressure from their tax-bases to solve homelessness, addiction, and mental health issues in their community. Some municipalities have contributed additional funds to address homelessness, addiction, and mental health, but many more municipalities in Northern Ontario do not have the fiscal capacity to do so. Tight budgets leave little – or nothing – left-over for municipalities to spend on additional services and programs.

Figure 6 shows the percentage of non-financial assets accounted for within municipal budget surpluses. Where the percentage of non-financial or physical assets such as hospitals, schools, and community-housing are equal to 100, the municipality is experiencing a major cash deficit as 100 per cent of their surplus represents their physical assets rather than available cash funds. Importantly, Figure 6 shows that many municipalities in Northern Ontario do not have the available cash – despite budget surpluses on paper – to spend appropriately on homelessness, addiction, and mental health.

Figure 6. Percentage of Non-Financial Assets⁶, 2015-2020



Source: Author's calculations of Net Financial Assets, end of year, total non-financial assets, and total accumulated surplus/(deficit) from municipal Financial Information Returns.

Budget shortfall is part of a complex economic issue for many municipalities in Northern Ontario. Rural and remote municipalities do not have the fiscal capacity to generate large amounts of municipal revenue due to small tax bases, nor do they benefit from the efficiency of scale. Furthermore, important factors such as population totals, population density, diminishing subsidies for rural areas and the number of service providers impact the cost-of-service delivery (Rizzuto 2020, 18).

⁶ Municipalities represented in Figure 6 were chosen as a representative sample size to describe the general fiscal capacity of municipalities in Northern Ontario

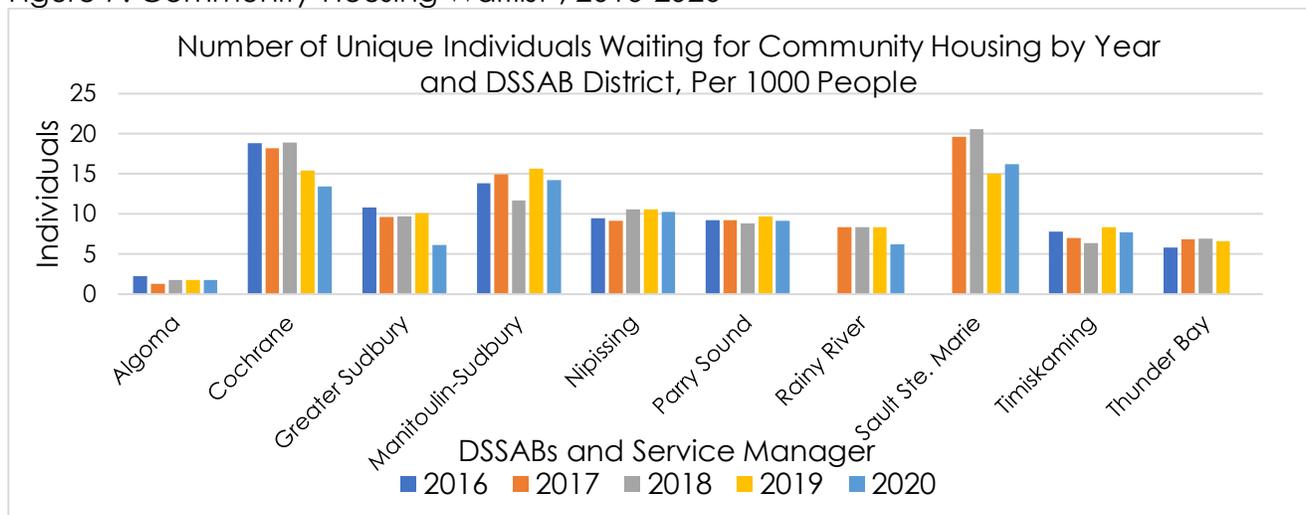
Service Gaps and Policy Strategies

The current – and worsening – homelessness, addiction, and mental health crisis in Northern Ontario indicates that existing policies, services, and programs do **not** meet the needs of northern communities. The following section identifies eight evidence-driven strategies that governments can take to improve the homelessness, addiction, and mental health crisis in Northern Ontario.

1. Community-Housing Waitlists

A shortage of community-housing has contributed to the growth of the homeless population in Northern Ontario (AMO 2019c, 5). Figure 7 shows long and stagnated waitlists for community-housing in the North.

Figure 7. Community-Housing Waitlist⁷, 2016-2020



Source: Author's calculations from direct outreach to DSSABs and the City of Greater Sudbury, and Statistics Canada Census Division Population Projections for the corresponding years.

Much of the community-housing shortage can be attributed to the depletion of existing stock that is between 40 and 60 years old, and overdue for routine maintenance and repair (AMO 2019c, 23). As DSSABs struggle financially to keep up with the growing

⁷ Community-housing waitlist data not available for the District of Kenora.

backlog of capital repairs, much needed community-housing units are left vacant despite the growing demand (AMO 2019c, 24).

The most time-effective and financially responsible way to address the shortage of community-housing in Northern Ontario is by maintaining and repairing the existing housing stock (AMO 2019c, 23). When the province downloaded community-housing to municipalities, however, the transfer was completed without a corresponding transfer of adequate reserve funds for current and projected future capital repairs (AMO 2019c, 24). While DSSABs do not have the fiscal capacity to properly address the backlog of capital repairs, federal and provincial governments do *and should*. Long-term funding for capital repair should be delivered from the federal and provincial governments to DSSABs to address this long-standing problem. Ideally, funding should span over a 10-year period so DSSABs can incorporate their strategy in their 10-year housing and homelessness plans, and provide an update on progress in their 5-year review report (AMO 2019c, 24).

2. Migration to Service Hubs

Service hubs in Northern Ontario face unique challenges in terms of their homeless population: the in-migration of people from surrounding rural and remote communities to access employment, education, and social and health services that do not exist in their community. Removed from their familiar environments and support systems, migrants often find themselves without the financial means to support themselves or return to their communities and, thus, become dependent on emergency shelters and other social services. This in-migration of vulnerable people applies pressure to “the housing stock, the homeless shelters, and the social services as a whole” in service hub communities (KDSB 2014, 8). The Districts of Kenora and Cochrane are particularly impacted by this migration trend as the District of Kenora includes 40 First Nations and a large unincorporated area, while the District of Cochrane includes seven First Nations, three unincorporated areas, and the only railway connection to the James Bay coast. In 2018, Thunder Bay DSSAB reported that 62 per cent of their homeless population within their service boundaries were migrants from surrounding areas (TBDSSAB 2018, 5).

Case Study: Sioux Lookout

Sioux Lookout, also known as “the Hub of the North”, is a major service hub in the District of Kenora. Sioux Lookout Meno Ya Win Health Centre, a regional hospital and extended care facility, services the towns of Sioux Lookout, Pickle Lake, Savant Lake and 28 First Nations (Meno Ya Win Health Centre, 2021a). Collectively, Meno Ya Win provides health services for a population of 30,000, dispersed over 385,000 square kilometers (Meno Ya Win Health Centre, 2021b). Meno Ya Win and Sioux Lookout’s Out of the Cold Emergency Shelter, both which services roughly the same area and communities, are significantly under-resourced for the population size they serve (Municipality of Sioux Lookout 2021, 20). Currently, the William “Bill” George Extended Care Unit operates with 20 beds, amounting to one bed per 1,500 people. In 2019, 768 unique individuals slept at the Out of the Cold Emergency Shelter – amounting to 15 per cent of Sioux Lookout’s population – for a total of 5,000-person night stays annually (Municipality of Sioux Lookout 2021, 20). If this ratio was true for Toronto, it would mean 439,500 unique individuals stayed at an emergency shelter in one year, compared to the *actual* amount of 3,876 unique individuals (City of Toronto 2018, 7). Of course, it’s not accurate to say 15 per cent of Sioux Lookout’s population stayed at the emergency shelter, but rather it was mix of migrants from within the District of Kenora and residents of the town.

To ensure service hubs in Northern Ontario have adequate resources for their service area, an amendment could be made by the provincial government to the *Health Protection and Promotion Act, 1990*. This amendment should define a ‘Northern Service Hub’ and mandate the provincial government to provide additional support to these communities through reserve funds or the like.

3. Medical Professionals

According to a report from CMHA, titled ‘Rural and Northern Community Issues in Mental Health’, Northern Ontarians are disadvantaged by “limited availability and access to primary health care, specialists, hospitals and community services and supports” (CMHA 2009, 3). In 2010, the publication date of this report, CMHA identified 34 northern

communities considered by the Ministry of Health and Long-Term Care (MOHLTC) to be 'an area of high physician need'. As of December 2021, this list has grown to **163** northern communities, encompassing the **entirety** of Northern Ontario (MOHLTC, 2021). The MOHLTC bases this list on a variety of compelling factors including "long-standing challenges in recruiting and retaining physicians, low health care provider-to-population ratios, travel time to reach service providers, and local demand for services" (CHMA 2009, 3). The scarcity of general physicians in the North acts as a major barrier to the establishment of necessary addiction and mental health services, such as medical detox centres and treatment facilities (Turner, 2021). Northerners struggling with addiction are often sent to treatment facilities in Thunder Bay, Winnipeg or Southern Ontario, separating them from their support systems and setting them up to fail (Turner, 2021).

The European Union faces many similar challenges to Northern Ontario and Canada when it comes to the shortage of health care workers. All member-states expressed serious concern around the sustainability and robustness of their health sectors due to demographic shifts, increased demand for services, an aging workforce, and recruitment and retention of health care workers (JAHWF 2016, 2). To enable strategic planning and informed decision making, the EU established the 'Joint Action Health Workforce Planning and Forecasting' (JAHWF). JAHWF is a three-year project mandated to collect intelligence and data of health sectors in the EU by "monitoring timely data, identifying mobility trends, estimating future skills and competencies that health workers will need, encouraging cooperation to find possible solution on expected shortages, and health workforce planning and forecasting on policy decision making" (Nordic Council of Ministries 2014, 36). By conducting research on the most advanced planning methodologies, JAHWF has enabled two pilot-programs in Italy and Portugal, and a feasibility study in Germany (Health Workforce EU, 2021). The Canadian Federation of Nurses Union have called on the federal government to lead a similar taskforce in Canada to investigate "new staffing models and other pilot projects", and address underlying and systematic retention issues (Yun, 2021).

Additionally, there is opportunity for government and others to support the work of the Northern Ontario School and their work around physician recruitment in Northern Ontario. The Physician Workforce Strategy has the goal of “linking human health resources to Northern Ontario’s needs” (NOSM, n.d.). According to data collected in June 2021, 325 physicians are in demand across Northern Ontario – particularly for family physicians and rural generalists (NOSM, n.d.).

4. Housing-First Programs

‘Housing First’ is a multidisciplinary homelessness strategy that prioritizes the rapid placement of the most vulnerable individuals and families into housing with no preconditions (Gaetz, Scott and Gulliver 2013, 18). Since gaining popularity in the 1990s, Housing First is now described as a ‘best practice’ for ending homelessness in Canada, the United States and around the world (Homelessness Hub, 2021). In 2008, the federal government committed \$110 million to conduct a four-year, five-city research project on Housing First – the world’s most extensive study on Housing First programs at that time (Mental Health Commission of Canada 2014, 6). Each of the five cities – Vancouver, Winnipeg, Toronto, Montreal, and Moncton – focused on specific sub-populations such as individuals struggling with substance abuse in Vancouver and the urban Indigenous population in Winnipeg. Shockingly, the study found that 80 per cent of the 1,000 randomized participants remained housed after one year (Homelessness Hub, 2021). Moreover, a study published by Canadian Homelessness Research Network, the Homeless Hub, and the Government of Canada in 2013 that examined eight Housing First programs in Vancouver, Hamilton, Lethbridge, Victoria, Fredericton, Edmonton, and two in Calgary reported similar findings. The case study in Vancouver found no participants of the program were discharged to the streets within a four-year period (Gaetz, Scott and Gulliver 2013, 67), while the case study in Hamilton found 74 per cent of participants remained housed after six months and 90 per cent of this group remained housed after 12 months (Gaetz, Scott and Gulliver 2013, 80). The case study in Lethbridge revealed 90 per cent of participants remained housed within a 12-month period (Gaetz, Scott and Gulliver 2013, 95), while the case study in Victoria found 73 per cent of participants

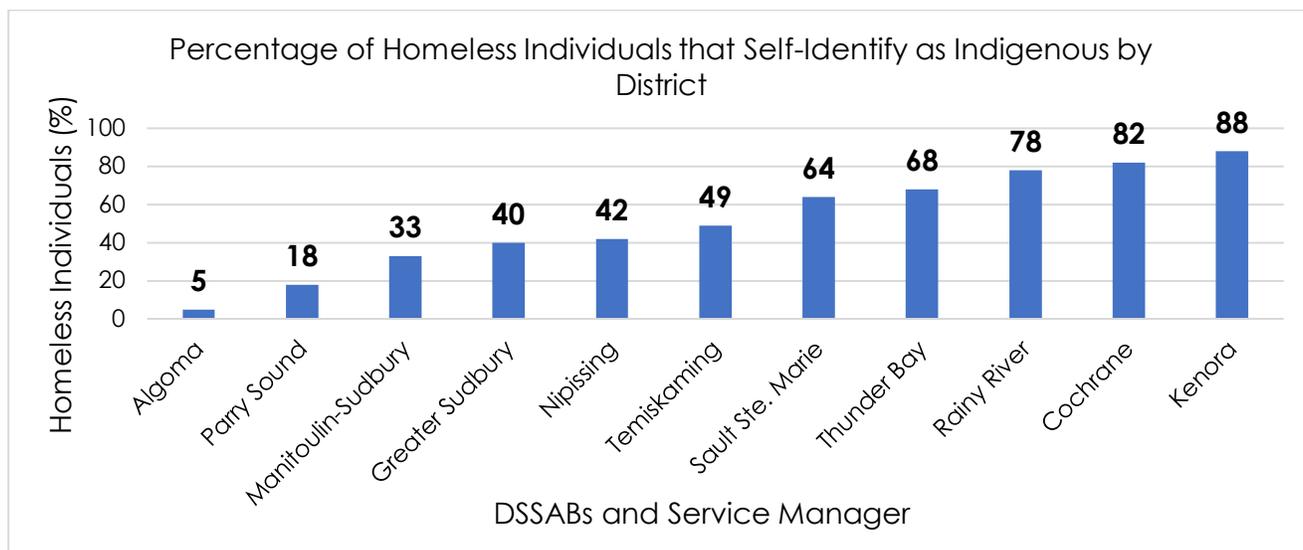
remained housed within a two-year period (Gaetz, Scott and Gulliver 2013, 106). In Fredericton, 93.5 per cent of participants remained housed after 6 months, while 86 per cent of participants remained housed within a 3-year period (Gaetz, Scott and Gulliver 2013, 132). In Calgary, one case study found 92 per cent of participants within a 5-year period remained housed, while the other found 80 per cent of participants remained housed for at least 12 months (Gaetz, Scott and Gulliver 2013, 52).

In October 2020, the federal government launched the Rapid Housing Initiative (RHI) through Canada Housing and Mortgage Corporation (CMHC) to support Housing First programs. The federal government committed \$1 billion in 2020 for 3,000 affordable housing units, with a second round of funding in the 2021-22 federal budget of \$1.5 billion for a minimum of 4,500 affordable housing units. Seven First Nations in Northern Ontario have received \$21 million collectively in funding from the RHI to build 85 new homes, but more communities can be supported. Moreover, RHI funding should support existing Housing First programs in the North, such as Housing Now, a new program established in 2020 by Cochrane DSSAB, in partnership with the Canadian Mental Health Association.

5. Culturally Sensitive Community-Housing

A significant proportion of the homeless population in Northern Ontario self-identify as Indigenous. Figure 8 shows Indigenous people account for over 60 per cent of the homeless population in four Northern Districts and in Sault Ste. Marie. In the District of Kenora, 88 per cent of the homeless population self-identify as Indigenous, followed by 82 per cent in the District of Cochrane, 78 per cent in the District of Rainy River, 68 per cent in the District of Thunder Bay, and 64 per cent in Sault Ste. Marie. Despite Indigenous people accounting for an overwhelming proportion of the homeless population in the North, there is limited culturally-sensitive services and programs to address their specific needs.

Figure 8. Homeless Individuals that Self-Identify as Indigenous, 2021



Source: 2021 Enumeration Reports from DSSABs and City of Greater Sudbury.

To tackle this problem, Kenora District Service Board (KDSB), Ontario Aboriginal Housing Services, North West Local Health Integration Network, Meno Ya Win Health Centre and Nishnawbe-Gamik Friendship Centre collaborated to lead a project that opened a 20-unit community-housing facility in Sioux Lookout. The facility offers culturally sensitive and easily accessible programs and services for Indigenous people (KDSB 2018, 21). This facility has reduced 911 calls to Ontario Provincial Police (OPP) in Sioux Lookout by 90 per cent (Helwig, 2021). A similar project is underway for a new 30-unit facility in the City of Kenora, while discussion between the District of Sault Ste. Marie Social Services Administration Board and OAHS have recently begun for another 30-unit facility in Sault Ste. Marie (Helwig, 2021).

These facilities align with the commitments made by the provincial government in the *Roadmap to wellness* to continue to work with Indigenous people and communities to co-developed services and programs that “enable Indigenous clients to access high-quality, culturally appropriate mental health, addictions and well-being services” (Government of Ontario, 2020c). They also align with the goals of the RHI. As such, supporting the existing facilities and the expansion of similar facilities across Northern

Ontario is an 'easy win' for the provincial and federal government in supporting Indigenous people struggling with homelessness, addiction, and mental health issues.

6. 'Northern' Mental Health and Addictions Centre of Excellence

In March 2020, the provincial government announced a new action plan to address mental health and addiction in Ontario with a more coordinated approach. The plan, outlined in the *Roadmap to wellness*, introduces the establishment of the 'Mental Health and Addictions Centre of Excellence'. As the "central point of accountability and oversight for mental health and addictions care" in Ontario, the Mental Health and Addiction Centre of Excellence will strive to **standardize** and monitor service delivery, report on performance, and provide support to health professionals (Government of Ontario, 2021c).

Northern Ontario, however, faces unique challenges compared to the rest of the province which must be considered by the provincial government before the establishment of a new standardized and centralized system of care for the province. While the *Roadmap to wellness* addresses many addiction and mental health issues in Northern Ontario, the implementation and delivery of these services must look different in the North for them to be effective. In recognition of the challenges of service delivery due to sparse populations within a large geographical region, there is robust support in Northern Ontario for the establishment of a 'Northern Centre of Excellence for Mental Health and Addiction'. An engagement process conducted by the Centre for Rural and Northern Health Research and the Thunder Bay Drug Strategy, found that 95 per cent of the 216 participants from within six engagement areas – social services, education, peer, health care, policy and justice – and 65 Indigenous organizations, support the establishment of a 'Northern Centre of Excellence' (Lakehead University 2018, 4). As the *Roadmap to wellness* remains in the development phase, there is an opportunity for the provincial government now to consult with Northern decision makers and reassess the benefits to establishing a 'Northern Centre of Excellence'.

7. Inter-Facility Transportation

The opioid crisis is putting severe strain on municipal paramedic services. In the third quarter of 2021, Superior North EMS answered 187 opioid overdose calls – the highest amount ever recorded in the District of Thunder Bay (Public Health Ontario, 2021a). Similarly, the District of Cochrane is projected to surpass last year's total of 269 emergency medical services calls, with a total of 259 call recorded by the end of October 2021 (Porcupine Health Unit, 2021). To add to their workload, paramedics in Northern Ontario are uniquely required to assist in “non-urgent transfers of low-acuity patients between health facilities”, often delaying their response time for emergency calls as resources are extremely limited (AMO 2019a, 6). Inter-facility transfers are a costly expense for municipal governments, and are avoided in other areas of the province through private contracts with private and non-profit operators that are funded by the province (AMO 2019a, 6)

To alleviate the workload of paramedics and solve a long-standing issue in the North, this commentary supports the recommendation made by AMO in their report, ‘A Compendium of Municipal Health Activities and Recommendations’, to include the provision of a third-party operator for inter-facility patient transfers in Northern Ontario provided and funded by the provincial government. Importantly, this commentary seconds the additional recommendation that only in situations where there is no alternative, should municipal paramedic services be used, and when this occurs, the cost should be reimbursed from the provincial government to municipalities from LHINs (AMO 2019a, 6).

8. Mobile Crisis Intervention Teams (MCIT)

Police officers are ill-equipped to handle an increasing number of service calls involving individuals experiencing mental health crises, resulting in a ‘revolving door’ phenomenon “where police have frequent contact with the same individuals who are often unable to access long-term, appropriate care” (Semple et al 2021, 3). These calls drain police resources due to their frequency and time-consuming nature as police

officers are typically required to remain in ED with individuals apprehended under the *Mental Health Act* until they have been seen by a physician (Semple et al 2021, 4).

The MCIT model, which pairs an experienced mental health professional with a police officer, has been implemented with tremendous evidence-based success in many cities across Ontario and Canada. MCIT models have proven to relieve pressure on police officers and provide better support to people in crisis. A study conducted on the Crisis Outreach and Support Team (COAST) by South Simcoe Police Service (SSPS) in partnership with CMHA and York Support Services Network found the implementation of COAST contributed to fewer apprehensions and significantly more resources provided to people in crisis (Semple et al 2021, 4). Moreover, the study found COAST provided significant economic benefits for SSPS. Reduced call times of patrol officers responding to mental health calls saved \$47.43 **per call** and SSPS also saved on calls where COAST responded compared to patrol officers (Semple 2021, 14). A similar study conducted on the Joint Mobile Crisis Response Team Pilot Project (JMCRT) by Thunder Bay Police Services, Thunder Bay Regional Health Sciences Centre and CMHA also found a reduction in the number of apprehensions and less time spent by officers in ED. Since 2018, JMCRT has been successful in diverting 661 people from ED and 131 from police custody (Human Services & Justice Coordinating Committee, 2021).

As part of the \$18.3 million commitment made by the provincial government in 2019 to support Ontario's first responders in the *Roadmap to wellness*, a pilot project for four new mobile mental health and addictions clinics were announced, with one set to open in Northern Ontario on Manitoulin Island. In June 2021, OBCM called on the federal government to establish "a consistent program to be mandated province-wide with the necessary funding" as a viable solution for solving the mental health crisis that has been "tried and tested" with success – a position supported by this paper (OBCM, 2021). Federal, provincial and municipal governments should work collaborative to introduce MCIT in communities across Northern Ontario.

Conclusion

It is clear that current efforts made by governments are not enough to address the worsening homelessness, addiction, and mental health crisis in Northern Ontario. Thus, all levels of government must commit to new strategies for Northern Ontario. The strategies identified in this paper have been proven to be successful in reducing homeless populations and those struggling with addiction and mental health issues with evidence-based data. This data also shows the economic benefits of the suggested strategies. Importantly, the eight strategies align with commitments already made by the federal and provincial government, and therefore, should be supported whole-heartedly and without reservation.

Appendix A

Association of Municipalities of Ontario (AMO)
Canadian Mental Health Association (CHMA)
Canadian Mortgage and Housing Corporation (CMHC)
Crisis Outreach and Support Teams (COAST)
District Social Service Administration Board (DSSAB)
Emergency Department (ED)
Federation of Northern Ontario Municipal Association (FONOM)
Joint Action Health Workforce Planning and Forecasting (JAHWF)
Joint Mobile Crisis Response Team Pilot Project (JMCRT)
Kenora District Services Board (KDSB)
Ministry of Health and Long-Term Care (MOHLTC)
Mobile Crisis Intervention Teams (MCIT)
Northern Ontario Municipal Association (NOMA)
Northern Ontario School of Medicine (NOSM)
Northern Ontario Service Delivery Association (NOSDA)
Ontario's Big City Mayors (OBCM)
Ontario Provincial Police (OPP)
Point-in-Time (PiT) Counts
Rapid Housing Initiative (RHI)
South Simcoe Police Service (SSPS)
Thunder Bay District Social Service Administration Board (TBDSSAB)

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132-2022-265
By email

January 21, 2022

Dear Chief Administrative Officer/Municipal Clerk:

The Ministry of the Solicitor General is committed to keeping communities across Ontario safe, supported and protected.

In fall 2020, the ministry hired an independent consultant, Goss Gilroy Inc., to conduct a review of court security and prisoner transportation in Ontario, including the design of the Court Security and Prisoner Transportation (CSPT) Transfer Payment (TP) Program. Under the CSPT TP Program, the ministry provides funding to municipalities to assist them in offsetting costs associated with both court security and prisoner transportation.

The review is part of the ministry's ongoing work to leverage technology and improve public safety to build a more responsive and efficient justice system across the province. This includes initiatives such as the Criminal Justice Digital Design (CJDD) and the Criminal Justice Video Strategy (CJVS). CJDD is modernizing the criminal justice sector by digitizing criminal case records and connecting IT systems to ensure data flows seamlessly from police, prosecution, courts and corrections and is readily available to the right people at the right time for decision-making. In addition, CJVS is designed to increase the use of video technology for most types of in-custody court appearances. This reduces the need to transport accused between correctional institutions and courthouses and in turn, improves safety and overall system efficiencies.

Municipalities, police services and other justice sector partners were engaged during the review of court security and prisoner transportation. This review is now complete and in turn, the ministry would like to share the enclosed high-level summary and full report (enclosed). We appreciate the time and effort provided by individuals and organizations during the review process. As a result, valuable feedback on how we can strengthen best practices, as well as explore ways to improve the delivery of court security and prisoner transportation was obtained.

The ministry is taking a phased approach in response to the program review to ensure a pathway for future planning and continuous improvement predicated on good evidence that addresses gaps in the program review. It is important to note that there will be no changes to the overall funding envelope of the CSPT TP Program, subject to the regular fiscal process.

Public safety is a top priority for our government and providing our frontline police and their municipal partners with the tools, resources and financial supports they need to protect our communities is critical to this endeavor.

We look forward to continuing to work closely with you and other municipal and justice sector partners on court security and prisoner transportation and on other shared public safety priorities.

If you have any questions or concerns regarding the CSPT program review or if you would like a French version of the full report, please contact Michelina Longo, Director, External Relations Branch at Michelina.Longo@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sylvia Jones', written in a cursive style.

Sylvia Jones
Solicitor General

Enclosures (2)

A High-Level Summary of the Court Security and Prisoner Transportation Program Review

Engagement Approach

A range of consultation activities led by Goss Gilroy Inc., detailed below, took place between fall 2020 and spring 2021. Over 200 individuals participated.

	<p>Interviews with a range of court security and prisoner transportation stakeholders were conducted. The interviews had a dual purpose: 1) scope the exercise and understand what stakeholders wanted to see addressed as part of the review, and 2) collect information to respond to the review's questions about how to improve service delivery.</p>	 <p>31 Interviews</p>
	<p>A survey was administered to all municipal police services (71 per cent response rate) and a survey of Ontario Provincial Police (OPP) detachments (86 per cent response rate) to collect information on the way court security and prisoner transportation is delivered and to obtain input. An online feedback form was also made available to all municipal chief administrative officers and chairs of Ontario police service Boards.</p>	 <p>144 Responses</p>
	<p>Input received from stakeholders through the survey and through online forms was applied to guide a series of focus groups with representatives from a representative cross-section of municipal police services, OPP detachments, First Nation police services, and Police Associations.</p>	 <p>43 Participants</p>

What We Heard: A Snapshot

Funding Model

- Generally, participants are concerned about the fairness and effectiveness of the current funding model for court security and prisoner transportation. Those with courts located in their jurisdictions bear the full net cost of court security, including overtime outlays, as well, the retrospective nature of the grant does not reflect real-time expenditures.
- First Nations police services in Ontario expressed concern that they are not eligible for funding under the CSPT TP and therefore are assuming these expenses.



Prisoner Transportation

- The expanded use of virtual court appearances, accelerated by the pandemic, should be maintained where feasible, but infrastructure limitations and impacts on human resources must be addressed.
- Special Constables are appropriate resources for conducting prisoner transportation and court security, but not all police services leverage these positions.
- The OPP Offender Transportation Unit is generally seen as an effective model; however, there are exclusions that cause some jurisdictions to have to expend additional resources to meet all prisoner transportation needs.
- The interface with correctional institutions is key in terms of achieving efficient prisoner transportation. Scheduling and the coordination of prisoner pick-up and drop-off at some correctional institutions and courts could be improved—technology solutions should be explored.



Court Security

- While courthouse facility improvements have enhanced security in some locations, outstanding facility issues have not all been addressed in other locations.
- Some concerns about contracting for court security functions exist; however, some jurisdictions demonstrated success in contracting courthouse screening activities.
- Unique challenges for Northern Ontario and remote locations cause disruption to front-line policing services when officers are redeployed to court security or prisoner transportation activities due to geography and resource gaps.
- Conflicts were identified between courthouse stakeholders' requests for additional security and constrained police budgets that cannot accommodate increased expenditures.



Review of the Court Security and Prisoner Transportation Program

Final Report

PREPARED FOR: Ministry of the Solicitor General of
Ontario

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List of Acronyms	ii
Executive Summary	iii
1.0 Introduction	1
2.0 Background	2
2.1 Court Security and Prisoner Transportation in Ontario	2
3.0 Purpose, Scope and Methodology	10
3.1 Review Methodology	10
3.2 Limitations and Methodological Notes	12
4.0 Potential Improvements to Efficiency and Effectiveness	13
4.1 COVID-19 and the Evolution of Virtual Appearances	13
4.2 Use of Special Constables	24
4.3 The use of Contractors for Court Security	30
4.4 Improving Security in Courthouses	35
4.5 Scheduling Prisoner Transportation	38
4.6 Indigenous Services	41
5.0 Program Delivery Structural Change	43
5.1 Duplication in Prisoner Transportation	43
5.2 Northern Strategy	47
5.3 Independent Agency	50
6.0 Alignment to Transfer Payment Policy	55
6.1 Context	55
6.2 Managing Cost Effectiveness and Efficiency	56
6.3 Options to Maintain Necessary Financial Accountability	62
7.0 Summary of Financial Implications	65
8.0 Summary of Recommendations	70
Appendix 1: List of Stakeholder Interviews	73
Appendix 2: List of Workshops Participants	74
Appendix 3: Jurisdictional Comparator Review Report	75

List of Acronyms

CAOs	Chief Administrative Officers
CSPT	Court security and prisoner transportation
CSPT TP	Court Security and Prisoner Transportation Transfer Payment
GGI	Goss Gilroy Inc.
IPCO	Indigenous Police Chiefs of Ontario
JVN	Justice Video Network
MAG	Ministry of the Attorney General
MPS	Municipal Police Service3ws
OACP	Ontario Association of Chiefs of Police
OAPSB	Ontario Association of Police Service Boards
OPP	Ontario Provincial Police
OPP OTP	Ontario Provincial Police Offender Transportation Program (centralized unit)
OPP OTU	Ontario Provincial Police Offender Transportation Units, located throughout the province
SOLGEN	Ministry of the Solicitor General
TPAD	Transfer Payment Accountability Directive
WASH	Weekend and Statutory Holidays – a reference to special courts on these dates

Executive Summary

Police services, whether municipal police services, the Ontario Provincial Police or First Nations police services, provide court security and prisoner transportation services across the province of Ontario. While police services provide court security and prisoner transportation services, municipalities are responsible for the costs, as they are for other policing costs.

As part of the 2008 Provincial-Municipal Fiscal and Service Delivery Review, the Ontario government committed to alleviating some court security and prisoner transportation costs from municipalities, beginning in 2012, to a maximum of \$125 million annually. The Ontario Government created the Court Security and Prisoner Transportation Transfer Payment (CSPT TP) Program in order to administer the \$125M payment. The program reached the maximum subsidy rate in 2018.

The purpose of this review was to conduct an assessment of how court security and prisoner transportation are done in Ontario, with a particular focus on CSPT TP Program in order to:

1. Improve the design of the CSPT TP Program to deliver it in a fiscally constrained environment, and to align with accountability requirements in the Transfer Payment Accountability Directive;
2. Identify potential ways to make court security and inmate transportation more efficient in Ontario, in the short-term (within the current model) and in the long-term (considering potential structural changes to the model); and,
3. Identify efficiencies to reduce the costs incurred by police services and reduce costs incurred by Ontario.

Performance

Impact of COVID-19

Both court security and prison transportation have been dramatically impacted by the COVID-19 pandemic, in Ontario, and in all other jurisdictions included in this review. The most immediate impact has been the need to substantially increase the use of virtual appearances for court hearings in order to comply with social distancing measures and the closure of public spaces, while still ensuring the functioning of the justice system.

The use of virtual appearances has reduced the need for prison transportation and the need to handle prisoners within courthouses during the performance of court security duties. The study found that police services experienced as much as a 90% reduction in transportation volumes and a reduction in the number of staff assigned to court security. While it is expected that prisoner transportation volumes and court security needs will increase in some way after the COVID-19

pandemic is stabilized and a “new normal” emerges, the study has identified cost savings associated with encouraging and supporting the virtual model. Maintaining as much of the virtual model as possible is in line with the existing Justice Video Strategy that aims to have 90% of pre-trial in-custody appearances at the Ontario Court of Justice take place using video. The virtual model is also in line with approaches taken in other Canadian provinces, as well as other jurisdictions internationally, namely Australia and New Zealand. The province will need to continue its programs to improve video capacity, police services will need to expand video capacity at police stations and the court system will need to be engaged such that policies to encourage use of these improvements are created and adopted.

Use of Sworn Officers

Municipal police services and the Ontario Provincial Police use a mix of staff classifications to carry out prisoner transportation and court security duties. Evidence collected through the review indicates that the use of Special Constables for prisoner transportation and the emerging use of contractors for court security screening, perimeter security and alarm monitoring functions are best practices that are not currently fully utilized. While there will always be circumstances where an armed officer is needed, in many cases the use of special constables is appropriate with limited armed police officers available when required. These approaches have proven effective in a number of Ontario locations as well as in other jurisdictions where specific training has been provided. In turn, this can reduce the costs for police services of jurisdiction and provide adequate levels of security if properly implemented. Contracting out for court security screening, perimeter security and alarm monitoring functions may also reduce the cost of introducing screening at new locations, which may make it easier to expand screening in response to stakeholder concerns.

Transport Routes

Prisoner transportation is a very complex system. Police services transport individuals from holding cells at police headquarters to courthouses, to correctional facilities and between courthouses and correctional facilities. With so many police services involved in prisoner transportation, and the Ontario Provincial Police involved in two distinct ways, there is significant duplication of service within the prisoner transportation network. Reducing inefficient manual processes in place now and implementing a structure that would achieve economies of scale are two new practices that can achieve efficiencies. An information management system for use in route optimization, data sharing, scheduling and reduction of manual processes will contribute to reducing travel requirements, administrative support and potential errors.

Transfer Payment Delivery

When the grant was initially designed, stakeholders considered a range of alternative ways to allocate funds – by population, by numbers of prisoners transported or number of courthouses, etc. All these options have flaws and all stakeholders, municipalities, police services and representatives of the Ministries involved selected the approach based on actual expenditures instead. A change in the approach to allocating funding is not recommended at this time, other than the limited incentives to encourage adoption of more efficient approaches. However, the

program is currently not fully compliant with the Transfer Payment Accountability Directive and a performance measurement strategy and regular risk reviews have been recommended.

Ongoing Needs

The province of Ontario continues to upgrade or replace courthouses, addressing security issues as part of the process. Municipal police services and Ontario Provincial Police have greater confidence in their ability to address security risks where infrastructure and equipment improvements had been made. However, many police services report that infrastructure issues remain and, sometimes, a lack of adequate security equipment can hinder court security. This includes challenges due to the number, design, age or characteristics of courthouse buildings. Additionally, there are varying expectations and demands from the Judiciary with respect to how court security is provided, and court security expectations and requests have increased over time. Police services and courthouse stakeholders identify a lack of consistent standards for court security as an issue but there are a number of factors that can influence needs and make it difficult to set common standards province-wide. There is a need to balance resource investments while ensuring court stakeholders have the means to ensure security requests are met.

Northern Ontario experiences many unique challenges that are not experienced in the more populated areas of the province. There are a number of smaller remote and fly-in communities with smaller police stations and irregular court sittings, long travel distances both for prisoners and court stakeholders, and a number of First Nations communities. In many instances, northern communities have traveling courts that spend short periods in communities resulting in demands on local police services and the disruption of regular policing resources. In relation to the distinctive needs identified for the north, a separate Northern Justice Strategy is needed that could lead to the development of a common prisoner transportation network, the development of a court security capability that would travel with the courts, the need to transport prisoners less frequently and better responsiveness to Indigenous community needs.

Future Considerations – An Independent Agency

The key finding from the Jurisdictional Review is that none of the other jurisdictions make the police service of jurisdiction responsible for prisoner transportation or court security, except in particular circumstances. Responsibility is generally assumed by an agency independent of the police, typically a Sherriff's Office or other government agency. A frequent recommendation for improvement from workshop participants was also the transfer of the responsibility for prisoner transportation from police services to another entity.

A number of advantages are associated with this model including consistent security standards as one entity administers all courthouses, greater flexibility in the movement of staff to different courts, elimination of duplication of efforts, municipalities with courthouses do not subsidize those without them, and economies of scale to promote efficient operations, among others. This could be carried out on a regional basis with co-operation between police services but would be better set up province-wide. A review of the legislation will be required to determine what, if any,

changes would be required as well as the advantages of creating a new organization versus the advantages of expanding the role of an existing organization

Summary of Recommendations

- The Ministry of the Solicitor General (SOLGEN) should work with all justice stakeholders (justices, crowns, defense counsel, court administrators, police services) to ensure the “new normal” that emerges after COVID-19 minimizes the transport of prisoners, and maximizes the use of virtual appearances for pre-trial hearings.
- Costs of CSPT can be reduced by:
 - Eliminating duplication, particularly in prisoner transport;
 - Improving economies of scale so special constables can be used more, and fewer police officers are pulled from front-line policing;
 - Using primarily contracted personnel for entrance screening to reduce costs and allow screening to occur in more locations; and,
 - Replacing manual administrative processes.
- Creating regional entities would help achieve these goals, but a provincial operation would add certainty of direction and be easier to establish.
- Improve the CSPT TP Program with performance measures and limited changes to provide incentives for cost reduction.
- A Northern Justice Strategy would address unique issues, and the funding of Indigenous police services needs to consider court security and prisoner transportation responsibilities.

Financial Implications

Assuming inflation is the prime driver of program costs, the provincial share of total costs is estimated to increase modestly, 1.0% for SOLGEN and about 8% for the Ministry of Children, Community and Social Services (MCCSS) over the implementation period. On the other hand, municipalities will see a 37.6% increase as they are responsible for most cost increases due to the SOLGEN contribution limit of \$125M towards the CSPT TP Program.

However, if the province effectively promotes virtual hearings and carries out the specific improvements to achieve the efficiencies that are outlined in the report, costs can be reduced significantly for both SOLGEN and municipalities. There is considerable uncertainty over the way the courts will work post-COVID-19, and the number of prisoners that will need to be transported to and from courts, so the forecasts show a range between low impact and high impact outcomes. The forecasts below indicate SOLGEN can achieve cost reductions, and can maximize the reductions by either encouraging police services to create regional entities to gain economies of scale and eliminate duplication, or by giving the role to a province-wide entity, which provides a greater certainty the economies will be achieved.

Summary of Financial Implications for SOLGEN (000s)¹

	Pre- COVID-19	Short Term	Medium Term	Long Term / Entities	Long Term/ Provincial
No Change	142,267	142,965	143,324	143,691	
Low Impact		139,372	139,659	139,333	140,278
High Impact		137,575	135,968	135,055	125,800

Police services and the municipalities that fund them are in a challenging position, responsible to deliver a program and absorb all the increase in costs involved, whether inflationary or as a result of higher standards and expectations. The dramatic changes brought on by COVID-19 provide a one-time opportunity to recast responsibilities in the best manner possible without medium to long term financial impacts. Police services can certainly play a logical role and do so for less cost than they incurred before COVID-19

Summary of Financial Implications for Municipalities (000s)

	Pre- COVID-19	Short Term	Medium Term	Long Term /Entities	Long Term/ Provincial
No Change	47,857	56,546	62,106	65,848	
Low Impact		40,891	37,452	39,220	38,275
High Impact		28,727	17,420	17,596	26,851

¹ See the main report for discussion of the assumptions used for this analysis.

1.0 Introduction

This report presents the findings of an independent review conducted on court security and prisoner transportation in Ontario. Consultants from the private firm Goss Gilroy Inc. (GGI) conducted this review between October, 2020 and February, 2021 on behalf of, and with the support of, the Ministry of the Solicitor General (SOLGEN). The review involved extensive consultation with the police services that conduct court security and prisoner transportation, stakeholders within SOLGEN and other ministries within the Province of Ontario, and other stakeholders within the court environment and the municipalities that help fund court security and prisoner transportation. The purpose of the review was to examine how the services are provided, how they are financed and how they could be improved, in terms of compliance with provincial requirements and the efficiency of service delivery.

The first section of the report provides background and contextual information about court security and prisoner transportation in Ontario, and about the Court Security and Prisoner Transportation Transfer Payment (CSPT TP) Program administered by SOLGEN. The second part of this report describes the purpose of the review and data collection methods used. The findings section draws upon the data collected to describe how court security and prisoner transportation and the transfer payment can be improved. The final section sets out an implementation plan for these improvements.

2.0 Background

2.1 Court Security and Prisoner Transportation in Ontario

Court security and prisoner transportation services are provided by Municipal Police Services (MPSs) in all large and mid-sized municipalities in Ontario and some of the smaller municipalities. Most smaller municipalities receive police services from the Ontario Provincial Police (OPP), who are in charge of court security and prisoner transportation for those municipalities.

Court Security Responsibilities

The *Police Services Act* states that police services are responsible for the security of courthouses within their jurisdiction. Section 137 of the Act states that the police services board of jurisdiction or the OPP Commissioner is responsible for court security by:

1. Ensuring the security of judges and of persons taking part in or attending proceedings;
2. Ensuring the security of the premises during the hours when judges and members of the public are normally present;
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings; and,
4. Determining appropriate levels of security to fulfill the obligations listed above.

Where Section 137 applies, Section 16 of the regulation on Adequacy and Effectiveness of Police Services requires that Chiefs of Police prepare a court security plan, establish procedures on court security that address supervision and training, and ensure that court security personnel have the knowledge, skills and abilities to perform court security functions. Section 29 requires Police Services Boards with court security responsibilities to establish policies with respect to court security. The Act also provides special powers for anyone carrying out court security duties on behalf of the police services board or OPP Commissioner, including the right to require persons to identify themselves, to search a person or vehicle entering the premises, the right to search prisoners, the right to refuse entry to the premises, or require a person to leave, and the right to arrest persons in certain circumstances. The current Policing Standards Manual section on Court Security includes a Court Security Assessment Tool to identify security needs in each individual courthouse for which a police service is responsible. This assessment covers critical incidents, the nature of cases, personnel and procedures, emergency planning and physical assessment.

SOLGEN indicates there are approximately 156 court locations in Ontario. Approximately 45% are base locations, 35% are satellite locations, and 20% are fly-in courts. SOLGEN estimates that 45% of

courthouses are secured by the OPP, and 55% by MPSs or self-administered First Nations Police Services.

Under court security, police services are responsible for:

- **Perimeter security** – The goal generally is to control all access points and only have one public access point. This is generally difficult to achieve in older courthouses, courthouses that share space with other uses, and temporary courts (e.g., an arena or legion hall).
- **Security screening at courthouse entrances** (i.e., persons and packages) – The trend has been towards screening at access points, using magnetometers, walk through or wand instruments and package inspection. This is employed at major courthouses throughout the province. Though the interviews and workshops reported screening equipment has been sent to some courthouses but not installed, or not used by the MPS responsible. Screening is generally not used at *Provincial Offences Act* (POA) courthouses and is not in place for courthouses that lack access control, or many smaller or temporary courthouses.
- **Security in common areas** is generally provided through a combination of cameras and active patrolling. Most courthouses have some form of “presence” by uniformed staff, who may be armed, or not armed, depending upon the location.
- **Security within courtrooms** is generally provided by having uniformed staff present in the courtroom during proceedings. This is provided in many courtrooms, and always when there is a prisoner in custody within the courtroom. Police services report demands from judges and occasionally crowns to have an officer in the courtroom even when there are no prisoners present, as a provision in case an event occurs (Family Courts and conflict between partners was used as an example). There is often resistance from police services to supply uniformed staff on all occasions based on availability and cost of staff.
- **Security during prisoner movement** generally involves meeting the prisoner transportation vehicle, escorting the prisoner to cells within the courthouse, and escorting the prisoner to and from the courtroom when required. It also includes feeding and monitoring the prisoner while in the cells, and returning prisoners to the transportation vehicle.
- **Security system monitoring** (e.g., camera room). Security systems are always monitored electronically. In some cases, generally larger courthouses, the cameras (and other alarms) are monitored by a staff member throughout the day, whether by a dedicated individual in a dedicated room, or by having TV monitors and alarms at a station staffed for other purposes (e.g., near the screening facility or cells).

Prisoner Transportation Responsibilities

Under the *Municipal Act, 2001* and the *City of Toronto Act 2006*, municipalities are responsible for transporting prisoners between correctional facilities and the courts for the purpose of attending hearings or proceedings. Section 29 of the *Adequacy Standards Regulation* requires a police services board to have a policy on prisoner transportation, and section 13(1)(m) requires the Chief of Police to

establish procedures and processes for prisoner transportation. Section 53 of the *Police Services Act* clarifies that the use of special constables by police services to escort and convey persons in custody on a permanent basis is not prohibited by other provisions.

Police services transport individuals from holding cells at police headquarters to courthouses, to correctional facilities and between courthouses and correctional facilities. For instance, a person held at a police station may be transported to court for a bail hearing, or a person in police custody remanded during a video or audio hearing at a police station may be transported to a correctional facility. Additionally, police services are responsible for transporting in-custody prisoners between correctional institutions and courthouses. This may be to accommodate new bail or procedural hearings or it may involve prisoners participating in a trial. The correctional institutions are in charge of transporting prisoners between institutions² and from institutions to medical facilities or other appointments.

Note that prisoner transportation generally has two components. The initial transfer from the police station to a court or custodial institution is the transfer of a prisoner in the custody of the police service who arrested the individual. For subsequent transfers from the courthouse to a correctional institution or for transfers from a correctional institution to a courthouse the prisoner is in custody on account of a court order, and the police service is acting as a service provider to the courts.

The *Police Services Act* will be replaced in the near future with the *Community Safety and Policing Act, 2019* (CSPA) which has received Royal Assent but has not yet been proclaimed into force. Under the CSPA, responsibility for court security will remain with police service boards, which in turn, are largely funded by municipalities. The CSPA will allow First Nations to opt into the legislation in which case their boards will also be responsible (they are not subject to the current *Police Services Act*).

The new CSPA identifies what is a policing function and limits who may perform such functions. However, court security is not a designated policing function (but still a responsibility), with the result that it can be carried out by any individuals appointed for the purpose by a police service board. Appointments could be a sworn police officer, a special constable, or any other civilian appointed for the purpose, including contractors. Similar provisions will apply to the OPP.

Prisoner transportation may be considered by the CSPA as a policing function, at least as it relates to the transportation of prisoners to and from the police station, requiring the task be carried out by “members of the police service”, but regulations under Section 14 could permit this function to be outsourced (e.g., to the OPP Offender Transport Program (OTP), to another police service, to a joint or common service provider or to a contractor).

Thus, MPSs and OPP detachments will continue to be responsible to implement court security and prisoner transport (to the extent prisoner transport is a policing function) under the new CSPA,

² The Bailiff Program used to provide transport between correctional institutions, but was disbanded in 2019. Transportation between correctional facilities is now the responsibility of correctional officers.

although there will be options with respect to how they deliver the services and who they use for that purpose.

Funding Model

While police services (either MPS or the OPP, whichever is the police service of jurisdiction in the municipality) provide the court security and prisoner transportation services, municipalities are responsible for the costs of court security and prisoner transportation (and other policing costs), although they do receive a subsidy from the Province of Ontario, under the CSPT TP Program. The net costs after provincial contributions are charged against the municipal property tax base as part of the police services budget. The OPP OTP carries out some prisoner transportation for those municipalities that were impacted by the centralization of correctional institutions and does not charge the costs back to the municipalities. The costs of the OPP OTP are recovered from the province’s consolidated revenue fund by SOLGEN and are not part of the CSPT TP Program.

Since 2015, CSPT TP Program funding for municipalities policed by the OPP is paid directly to the OPP rather than to the municipalities that purchase policing from the OPP. The OPP bills municipalities for the police services it provides to those municipalities. It passes the grant on to municipalities by providing the municipality a credit against their municipal policing bills.

CSPT Transfer Payment Program

As part of the 2008 Provincial-Municipal Fiscal and Service Delivery Review, the Ontario government committed to alleviating some court security and prisoner transportation costs from municipalities, beginning in 2012, to a maximum of \$125 million annually by 2018. The CSPT TP Program is administered by SOLGEN’s Public Safety Division. Table 1 identifies annual program allocations since 2012.

Table 1: CSPT TP Program Funding by Year

(000’s rounded)	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total Funding	\$17.9M	\$35.7M	\$53.6M	\$71.4M	\$89.3M	\$107M	\$125M	\$125M	\$125M

When the CSPT TP Program was announced, it committed to a maximum subsidy of \$125M per year to support municipalities in the implementation of court security and prisoner transportation services. The program reached the maximum subsidy rate in 2018. The \$125M cap was established based on estimates by the Association of Municipalities of Ontario (AMO) and the City of Toronto in the Provincial-Municipal Fiscal and Service Delivery Review, when it was assessed that police services were spending about \$125M per year on court security and prisoner transportation at that time (2008). Municipalities policed by MPSs receive a share of the funding envelope each year, pro-rated to their actual eligible court security and prisoner transportation costs as most recently reported. For

example, funding for 2020 was allocated based on each recipients' relative share of the total provincial CSPT expenditures for 2018. The OPP determines the allocations for OPP-policed municipalities based on their relative share of the projected CSPT costs.

Municipalities that have MPSs receive payment installments quarterly from SOLGEN, based on calendar year to align to the municipal fiscal year. The first quarter payment is made after the municipality and the province have signed a transfer payment agreement, and the recipient has provided adequate proof of insurance. The second installment is paid on the condition that the recipient has provided the previous year's Annual Financial Report. The OPP-policed municipalities receive their CSPT TP Program funding in the form of credits on their municipal policing bills twice a year (25% in February or March, and the remaining 75% in September or October).

This expenditure-based model was selected following consultations with stakeholders. Two other models - funding based on caseload and funding based on population - were considered when the program was designed but deemed ineffective. The two alternative models were rejected mainly because of the difficulty of tracking the necessary information (e.g., prisoner transport traffic, deeper understanding of catchment areas for courts), and because the first model would have been inequitable to smaller municipalities or others with longer distances to transport prisoners.

The CSPT TP Program serves as a subsidy program to support municipalities. Court security and prisoner transportation costs eligible under the CSPT TP Program include court security and prisoner transportation activities, training, equipment and recruitment. It excludes expenditures associated with court administration (e.g., schedule of staff, service of legal documents, data entry, etc.). Annual Financial Reports do not require a detailed breakdown of the costs between court security and prisoner transportation and some jurisdictions do not distinguish between the two categories of expenditures in their financial management systems. The Public Safety Division estimates that 70% of CSPT TP Program funds are used for court security, and 30% for prisoner transportation, based on municipal reports submitted for 2017.

In 2018, approximately 95% of the \$125M was provided to support municipalities policed by MPSs, and about 5% to municipalities policed by the OPP, reflecting their relative levels of expenditure, as identified in Table 2.

(000's rounded)	2015	2016	2017	2018	2019	2020 (budget)
Total CSPT TP Allocation	71,432	89,289	107,143	125,326	125,000	125,000
CSPT TP Allocation – MPS-policed municipalities	69,124	86,404	102,520	119,527	118,844	119,494
CSPT TP Allocation – OPP-policed municipalities	2,308	2,885	4,623	5,799	6,156	5,506

In 2018, the allocation provided through the CSPT TP Program covered about 76% of the reported court security and prisoner transportation expenditures for MPS-policed municipalities³ and 81% of costs for OPP-policed municipalities. This left a shortfall of about \$37.8M to be covered by MPS-policed municipalities and about \$1.3M for OPP-policed municipalities.

While the \$125M represented the estimated level of municipal expenditures in 2008, police services report that their expenditure levels have risen (Table 3), partly as a result of inflation (e.g., wage and salary increases), partly as a result of increased volumes (of prisoners and courthouses and courtrooms) and partly as a result of higher standards. For instance, the requirement to keep various categories of prisoners separate from each other, and the introduction of improvements in court security, such as screening at more courthouse entrances.

Table 3: Reported Expenditures and CSPT TP Program Allocations for MPSs and OPP policed municipalities⁴

(000's)	MPS CSPT costs	CSPT TP Allocation to MPS municipalities	% of MPS costs covered by CSPT TP	OPP CSPT costs	CSPT TP Allocation to OPP municipalities	% of OPP costs covered by CSPT TP
2015	144,263	69,124	48%	6,409	2,308	36%
2016	148,822	86,404	58%	6,766	2,885	43%
2017	151,941	102,520	67%	7,337	4,623	63%
2018	157,332	119,527	76%	7,067	5,799	82%
2019	165,674	118,844	72%	7,583	6,156	81%
2020 (budget)		119,494			5,506	

The Ontario Provincial Police Offender Transportation Program

As part of the province's program to restructure and consolidate correctional institutions, the province expanded OPP service in 2008 to assist municipalities faced with longer cross-municipal boundary transfers as a result of a local correctional institution being closed. The OPP established its OTP to conduct prisoner transportation for some municipalities.

This funding was approximately \$24 million in fiscal year 2019-2020 (ends March 31, 2020), \$17.3M of this was for the transportation of adult prisoners and \$6.7M related to the transport of youth. Municipalities are required to sign Memoranda of Understanding (MOU) with the OPP outlining specific services to be provided (which may, for example, only include certain types of prisoners housed at a centralized institution) and the terms and conditions related to OPP services. The OPP OTP funds transportation 'loops' across municipal boundaries, between police facilities, courthouses and

³ This is based on costs reported through the Annual Financial Reports for that year.

⁴ This table is based on Annual Financial Reports data compiled by the CSPT TP Program, and OPP data on costs and CSPT program allocation.

correctional institutions. The OTP currently operates 63 Memoranda of Understanding (MOU) with different municipalities, and transports approximately 90,000 prisoners a year (pre-COVID-19 pandemic) between correctional facilities and courthouses, using approximately 60 transportation vehicles. The entire costs of the OTP are charged to, and covered by, SOLGEN (for adult inmates) and the Ministry of Children, Community and Social Services (for Youth).

The OPP OTP is a centrally administered program out of the OPP office in Orillia, Ontario. It is comprised of 150 Offender Transport Officers that make up 10 Offender Transport Units (OTUs) across the province. The OTUs are located in Ottawa, North Bay, Lindsay, Cobourg, Penetanguishene, Milton, Burlington, Simcoe, Windsor, and London. A further 43 employees (civilians and sworn officers) make up the operational support and administration of the OTP. The OTP operates independently from OPP detachments and regions throughout the province that are responsible for prisoner transport in their role as a police service of jurisdiction. However, the OTP does provide service to support some OPP detachments when the municipality they serve has been impacted by a correctional institution closure and the municipality has signed an MOU.

There is no formal distance threshold to trigger a new MOU and hence service by the OTP to a new municipality. All prisoner transport across municipal boundaries, and all prisoner transport for long distances do not qualify, only those that result from the consolidation of correctional institutions. Of note, the OPP OTP does not operate in Northern regions, where no institutional centralization has occurred, but where transport distances are also the longest. The North West Region (NWR) Offender Transport Unit (OTU) provides support to OPP detachments in the Region but the costs of these services are charged back to the municipalities responsible.

First Nations Policing

First Nations police services are funded under the First Nations Policing Program (FNPP), with federal and provincial governments sharing the costs. First Nations police services are excluded from the CSPT TP Program.

However, First Nations police services currently carry out offender transport, and some services have established Memoranda of Understanding (MOU) with the OPP to coordinate offender transport between the organizations. Some First Nations police services are also required to contract air transportation for prisoners, which is a significant cost.

First Nations police services also provide court security when courts convene in the communities they serve. This generally requires reassigning an officer who otherwise would be deployed to frontline policing duties.

The Indigenous Police Chiefs of Ontario (IPCO), who participated in a workshop session supporting this study, indicated they are only funded to provide front-line police services, and court security and prisoner transportation are not eligible expenditures under the current funding arrangement. They argue they should be eligible for the CSPT TP Program on the basis of fairness. Other police services in

Ontario receive funding under the CSPT TP Program, and they believe they should receive it as well, which would allow them to provide court security and prisoner transportation services without taking officers off the front-line. They also note that they should be providing services in their communities to ensure cultural appropriateness, both in handling prisoners and relating to community members.

3.0 Purpose, Scope and Methodology

The review was overseen by a Director-level management committee and a Steering Committee of Assistant Deputy Ministers (ADMs) from stakeholder ministries (SOLGEN and the Ministry of the Attorney General (MAG)). Members of the committees also communicated with their Treasury Board counterparts for input.

The purpose of the review was to conduct an end-to-end assessment of how court security and prisoner transportation are done in Ontario, with a particular focus on SOLGEN's CSPT TP Program. The objective of the study was to develop recommendations towards:

1. Improving the design of the CSPT TP Program to deliver it in a fiscally constrained environment, and to align with accountability requirements in the Transfer Payment Accountability Directive (TPAD); and,
2. Identifying potential ways to make court security and prisoner transportation more efficient in Ontario, in the short-term (within the current model) and in the long-term (considering potential structural changes to the model). More specifically, the consultants sought to identify efficiencies to reduce the costs incurred by police services and reduce costs incurred by SOLGEN, including costs associated with the OPP OTP.

The review focussed on prisoner transportation and court security carried out by police services within the **current legislative framework**. The scope of work excluded the following:

- Related activities connected to correctional institutions.
- First Nations policing agreements.
- Increasing the funding envelope of the CSPT TP Program.

3.1 Review Methodology

The review was conducted using multiple lines of evidence to collect factual information from different sources, including gathering the perspective of the stakeholder community. The methodology used is described in the sections below.

Interviews with Stakeholders

The review team conducted interviews with a range of court security and prisoner transportation stakeholders. The interviews had a dual purpose: 1) scoping the exercise and understanding what stakeholders were hoping to see as a result of the review, and 2) to collect information to answer the review's questions about how to generate effectiveness and efficiency. Interviews were led by GGI consultants and attended by a SOLGEN representative. Most interviews were with representatives of

the Ontario government Ministries involved. Others included representatives of AMO, IPCO, the OPP OTP and Parry Sound Police Service. The list of interviews conducted for the review can be found in Appendix 1.

Survey of Police Services and Feedback Forms

The review team administered a survey to MPSs and a survey of OPP detachments to collect information on the way they deliver court security and prisoner transportation, and to collect their general input for the review. Two questionnaires were distributed to MPSs: one to capture qualitative descriptions and feedback on court security and prisoner transportation operations, the other to collect financial and staffing information. The OPP detachments were sent a single questionnaire to collect the qualitative information. Quantitative data about the OPP’s CSPT activities were collected from central OPP.

Overall, the purpose of the surveys was to give the reviewers a better understanding of the way CSPT activities are conducted, what strengths and challenges may exist in the current model, and what areas could be examined for improvements towards greater efficiency. The response rate for both surveys was high as outlined in the following table.

Category	Responses	Response rate	% of respondents performing both CS and PT
MPS	32	71%	81%
OPP	62	86%	50%

The review team also made available an online feedback form to municipal Chief Administrative Officers (CAOs) (n=345) and members of Ontario Police Service Boards (via a link circulated by the Ontario Association of Police Service Boards). This instrument allowed these two groups of respondents to provide input to the review on a voluntary basis. A total of 22 CAOs and 28 members of Police Service Boards provided their input through this mechanism.

Workshops

The review team conducted a series of workshops with MPSs and OPP detachments. Workshops were held following the surveys to delve deeper into areas identified as challenges and to explore avenues for improvement in more detail with participants. Workshop sessions were held with the following groups:

- Representatives of the Toronto Police Service;
- Representatives of the remaining “Big 10” MPS;

- Representatives of OPP detachments;
- Representatives of small and medium-size MPSs; and,
- Representatives of Indigenous Police Chiefs of Ontario.

Participants in the workshops are listed in Appendix 2

Jurisdictional Review

The review team conducted a jurisdictional review to compare Ontario's court security and prisoner transportation model with what is done in other jurisdictions in Canada and abroad. The review covered: Alberta, British Columbia, Quebec, Australia and New Zealand. The findings are reported in detail in Appendix 3 and discussed in relevant sections throughout this report.

3.2 Limitations and Methodological Notes

- Although the review had a strong stakeholder engagement framework, it did focus heavily on the perspective of police services as implementers of the court security and prisoner transport activities covered in the review. The judiciary, Crown, and defense counsel provided input in writing and through interviews, but participation was limited. Corrections were engaged through interviews with the Ministry, but operations at Institutions was not part of the scope of this review.
- While the response rates to the surveys were high, they did not provide full coverage of the population, especially regarding financial information (i.e., quantitative questionnaire of the Municipal Police Survey).
- COVID-19 has introduced significant uncertainty, making forecasts less precise than they may be otherwise. In particular there is some uncertainty over the extent to which video and audio hearings will continue post COVID-19 and over the volume of prisoner transportation that will be required in the "new normal". All estimates are based on current knowledge and a reasonable understanding of the processes and may, or may not, come to fruition.

4.0 Potential Improvements to Efficiency and Effectiveness

4.1 COVID-19 and the Evolution of Virtual Appearances

Current Situation – Impact of COVID-19

Both court security and prison transportation have been dramatically impacted by the COVID-19 pandemic, in Ontario, and in all other jurisdictions included in our review (Appendix 3). The most immediate impact was the “closure” of courts. With the courts closed, there was still a need for police to bring accused persons before a Justice of the Peace for bail hearings.

As a result, court hearings proceeded, generally through virtual appearances in order to reduce the likelihood of COVID-19 infection for participants. Virtual hearings have tended to be by video whenever possible, but in some cases, particularly in the north, internet bandwidth or facilities have not been adequate to support video, and purely audio hearings have occurred. With courtrooms closed, the virtual appearance was often not just by a prisoner, but also by the judge, crown, defence counsel and even witnesses and agency representatives.

During the pandemic, a prisoner’s first appearance generally occurred at the police station, taking place either from the cells or a nearby room. According to interviewees and focus group participants, police stations have generally been constructed with the expectation that prisoners would be taken to court. Hence there is typically no dedicated space or equipment for virtual appearances. Most police services have accommodated video appearances by repurposing rooms and facilities, and using cell phones and tablets to equip makeshift video facilities.

Additionally, subsequent appearances often have had to occur by video and/or audio from the correctional institution during the pandemic. The substantial increase in the use of video appearances has caused a number of effects. Interviewees indicated that correctional facilities were not built to accommodate video appearance they too have repurposed some spaces and used whatever technical capacity was available to accommodate the needs.

Trials were generally postponed early in the pandemic, but some trials eventually had to proceed to ensure the accused’s rights to be tried within a reasonable time under the Charter of Rights and Freedoms. Interviewees and workshop participants indicated most court appearances still occurred using virtual (video and/or audio) connections, and the data available for prisoner transportation volumes substantiates this (see Figure 1 and Table 5).

Video hearing capacity has also been exceeded at courthouses where judges, crowns and defence counsel are using video or audio for virtual hearings. Interviewees and workshop participants indicated that in many cases, court stakeholders use personal computers, phones and tablets from

home or office, however some use courthouses when they have better video facilities. As courthouses have been opening up, more parties are attending the courthouse and using facilities there. However, in many cases, the video capacity remains insufficient, especially with the need for social distancing between the parties appearing from the same courthouse.

The Justice Video Strategy

Although the COVID-19 requirements strained virtual appearance capacity, there have been steps in the past to build this capacity. The Government of Ontario began a Video Remand and Bail project in 2000, to ease the transportation burden of accused persons from Ontario correctional facilities to and from court appearances. This led to the creation of the Justice Video Network (JVN), which provides some capacity for remote appearances. However, the JVN was difficult to put in place, complex to use, and adoption was limited.

As part of further efforts to modernize the justice system, the province began larger scale pilots for video appearances and remote defense attorney access in correctional facilities in 2016. A “Justice Video Strategy” (JVS) was developed – before COVID-19 – to increase the capacity for doing court hearings by video from correctional institutions and at courthouses. The strategy aims to have 90% of pre-trial in-custody appearances at the Ontario Court of Justice (excluding the Superior Court) take place using video. The JVS reports that in 2018, about 57% of pre-trial appearances were done remotely, although about half of those were audio appearances, not video. Police services indicated even lower video appearance rates before COVID-19 in their survey responses, although they were reporting on all appearances, not just Ontario Court of Justice Appearances.

At the time of this review, there are about 150 video suites in correctional institutions, and the JVS has plans for another 270 which are targeted for implementation by March of 2023. About 200 of over 850 courtrooms in the province are equipped with video conference equipment. In addition to the units to be provided under the JVS, new video suites are being implemented as part of new courthouse construction or renovation, including at the new major courthouse being built in downtown Toronto. While there is not enough video capacity in courthouses and correctional institutions to meet current requirements, there is more than there would have been without these initiatives, and there will be substantially more by March, 2023.

Perhaps as important, the virtual first appearance is often from a police station shortly after arrest. The hearing is required within 24 hours of arrest and can lead to the release of the prisoner without the need to transport to a courthouse or correctional facility. The JVS reports that 120 video units can be found in police facilities at present. Stakeholders and survey respondents indicate that many more are required. Improvements in the video capacity of police stations will also be required.

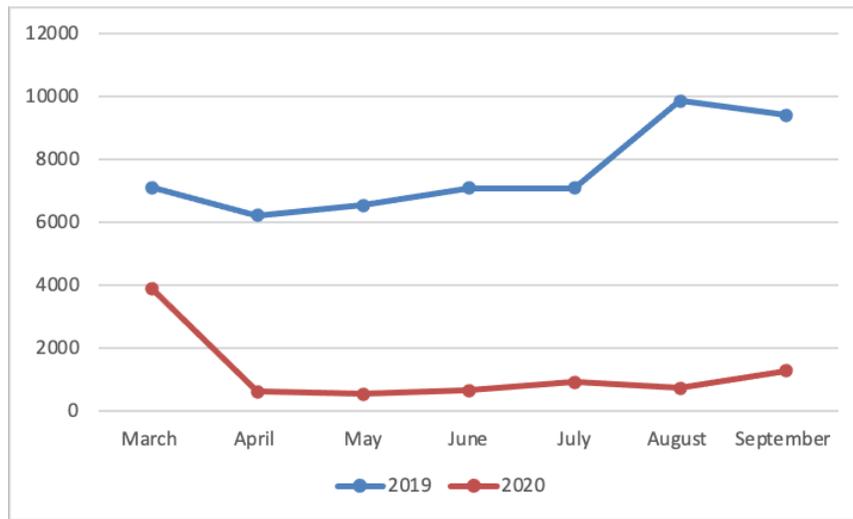
Drivers for Change – Lessons from COVID-19

Up until the pandemic, there was substantial inertia to overcome and resistance to adopting video technology as an approach to court appearances. Doing virtual court appearances by video rather than

in person is a transformative idea that reduces the need for prisoner transportation and lowers security risks from transport and at courthouses. Stakeholder interviews indicated that with the COVID-19 pandemic, video appearances have become vital to the functioning of the justice system, and the survey, interviews and workshops all indicate video appearances have received much wider take-up than in pre-pandemic times.

This decrease is reflected in OPP OTU numbers when comparing the number of prisoners transported monthly in 2019 with the corresponding 2020 month. On average a 90% reduction is seen from April to September 2020 (Figure 1).

Figure 1: OPP OTP Prisoner Volumes by Month



According to the results of the surveys, COVID-19 has reduced prisoner transportation volumes by about 75% for MPS and OPP detachments (Table 5). Most of those reporting “no effect” have the OPP OTP carrying their prisoners.

Table 5: Impact of Video Appearances on Prisoner Transportation

	MPS			OPP		
	N	% of MPS	Average reduction in volume	N	% of OPP	Average reduction in volume
Before COVID-19	9	31%	23%	17	32%	33% ⁵
Since COVID-19	27	93%	75% ⁶	37	70%	78% ⁷
No Impact	2	7%	-	14	26%	-

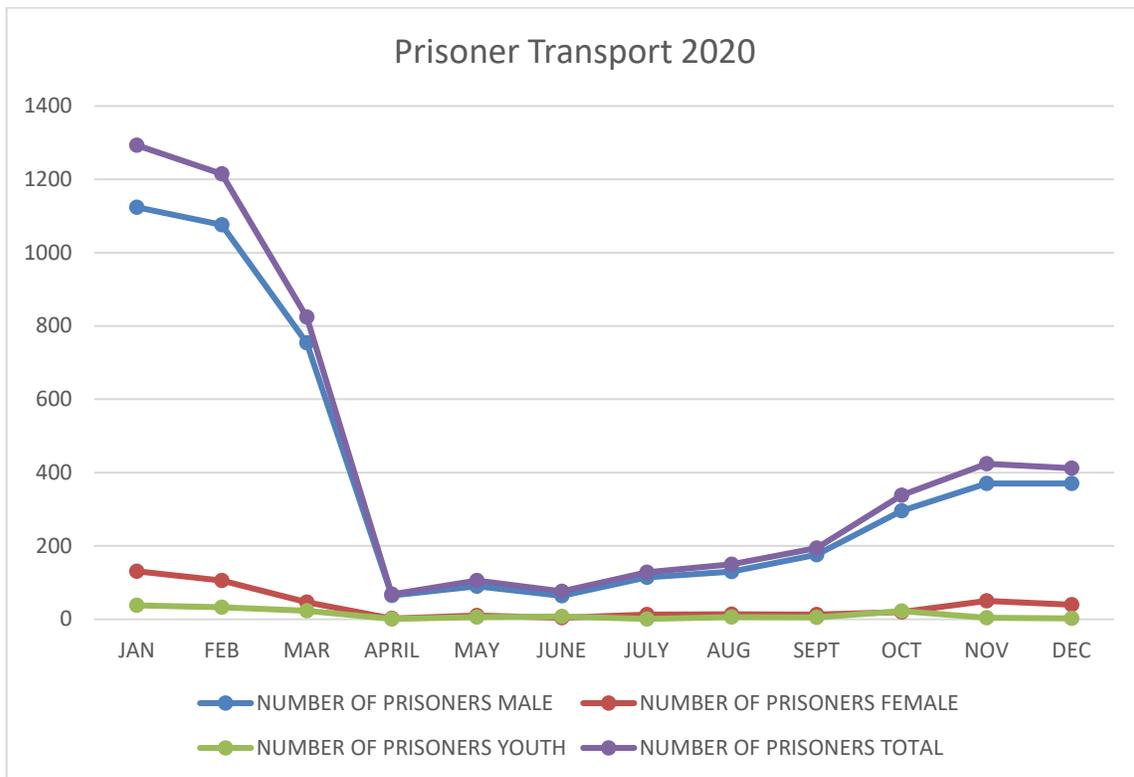
⁵ Based on 10 respondents providing actual estimates

⁶ Based on 23 respondents providing actual estimates

⁷ Based on 27 respondents providing actual estimates

Given the difference between the OPP OTP data and the reports from MPSs, we contacted the Ottawa Police Service that had reported only a 50% reduction and found that the figure was based upon year over year data, without distinguishing between pre- and post COVID-19 periods. The Ottawa Police Service also provided a breakdown of prisoners transported by month which is shown in the figure below.

Figure 2 - Prisoners Transported by Month, Ottawa Police Service



This shows the total number of prisoners transported declined to about 10% of pre-COVID-19 volumes early in the pandemic, but recovered to about 33% of pre-pandemic volumes later in the year, as activity (and arrest volumes) returned closer to usual levels. The OPP data also showed a slight increase in September and may have increased as well later in the fall.

The key remaining transportation requirement in all jurisdictions during COVID-19 is that police services are still transporting prisoners from the police station to the correctional institution, when persons are remanded in custody at their initial bail hearing which is now being conducted virtually from the police station. The Ottawa data shows trips to and from the central courthouse virtually stopped in mid-March.

The table below looks at charges and the court hearings that result from them. 89% of cases were resolved without a trial date in 2019, before the COVID-19 pandemic struck. Only 11% of cases actually involved a trial date, and most of those were resolved by a guilty plea or were withdrawn at

the trial date, with only 3.5% of total cases continuing to an actual trial. This suggests that it should be possible to conduct the vast majority of these appearances virtually, with almost 90% of cases resolved without a trial.

Table 6: Court Appearances in Ontario - Cases Disposed in 2019⁸

Total Cases	All Cases		All Cases that Began — in Bail Court	
	220,548	100%	99,661	100%
Cases Disposed before Trial Date	196,166	88.9%	88,713	89.0%
Cases Disposed at Trial, without Trial (guilty plea or charges withdrawn)	16,029	7.3%	7,453	7.5%
Cases Disposed Following a Trial	8,353	3.8%	3,495	3.5%
Average number of appearances	8.0		10.0	

Note when looking at the table above, the “Cases that began in Bail Court” are those that involve an offender in custody, at least for part of the court process. Each such offender will appear in court an average of ten times, two of which are for bail hearings.

The significant reduction in prisoner transportation volumes has reduced the risks associated with prisoner transportation and court security (e.g., risks of accidents, escape attempts, incidents between prisoners, self-harm, contraband, etc.). These risks remain whenever a prisoner is transported. The COVID-19 experience indicates that many of the court appearances that occurred before COVID-19 could have been virtual appearances, and Table 6 indicates most could be virtual appearances in the future. However, interviewees and workshop participants indicated that even when possible pre-COVID-19, video appearances were rarely implemented, mainly due to resistance from crown, defense and/or the judiciary. Additionally, workshop participants indicated that prisoners were often transported to courthouses primarily to meet with defence counsel and/or community agencies, with purely administrative hearings scheduled to accommodate.

These stakeholders will have learned from the COVID-19 experience, and seemingly many will be more receptive to holding virtual hearings in the future. Workshop participants indicated there may now be a better understanding of the risks related to prisoner transportation and prisoner appearance in courtrooms, and a better appreciation for the potential of virtual appearances. At the same time, there is a certain level of video fatigue emerging out of the pandemic experience and this may be re-enforced by the sub-standard or make-shift facilities that have been used over the past year. The video experience must be improved or there will be a tendency to revert back to in-person appearances.

⁸<https://www.ontariocourts.ca/ocj/files/stats/bail/2019/2019-Bail-Offence.pdf>

Analysis

Estimated Impacts of Virtual Hearings on Prisoner Transportation

It can be expected that prisoner transportation volumes will increase in some way after COVID-19. The volume during COVID-19 has largely been transfers from police detention facilities to correctional institutions. This volume is estimated to be 20% to 35% of pre-COVID-19 prisoner transportation volumes, based on prisoner transportation statistics during the pandemic (the low number based on the OPP data, the higher percentage based on the survey of MPSs and the more recent Ottawa data), and on the case data (Table 6) which suggests each case has an average of 10 appearances. Only one of these appearances could precede the initial transfer to a correctional institution, although some would not make that trip, having been released after the first hearing. These trips will continue post-pandemic, regardless of the extent of virtual hearings.

Many trials will continue to be in person, requiring the transport of prisoners. However, trial dates are only set in 11% of cases (based on 2019 data, Table 6), and two-thirds of these involve a guilty plea or withdrawn charges, many of which could presumably be handled virtually as many decisions to plead guilty or withdraw charges are made before the trial date. Actual trials only occur in about 3.5% of cases.

However, the majority of trips in the past were related to remand hearings, pre-trial and administrative hearings, sometimes to accommodate meetings at the courthouses, according to stakeholders and workshop participants. The intent of the Justice Video Strategy is to be able to accommodate 90% of the pre-trial hearings, and to accommodate meetings between prisoners and their counsel, the agencies involved in preparing pre-trial release plans and even family and friend visitations.

There are reports on the impact of the use of video in other locations. In the Ninth Judicial District of Minneapolis a review found that the savings on prisoner transportation alone were enough to fund the implementation of the video system, and that all court stakeholders⁹ also saved time. Similarly, a review of the impact of video appearances in England identified both savings on prisoner transport and stakeholder time.¹⁰ A study of the Justice Video Network in Ontario showed the OPP saved 294,000 km of employee travel as a result of video hearings.¹¹

Through the jurisdictional scan, it was found that Quebec has now mandated that pre-trial appearances will be by video demonstrating that such a strategy can be implemented. Ontario does not seem ready to take this position, preferring to leave more discretion to the judiciary. Change management initiatives to encourage the continued use of virtual hearings whenever possible will be essential to minimize the surge in prisoner transportation requirements that may occur post-COVID-

⁹ Babcock, Emily and Johansen, Kate (2011) "Remote Justice? Expanding the Use of Interactive Video Teleconference in Minnesota Criminal Proceedings," William Mitchell Law Review: Vol. 37: Iss. 2, Article 17. Available at: <http://open.mitchellhamline.edu/wmlr/vol37/iss2/17>

¹⁰ Slessor, James, Goodwin, Tim and Feggetter, Emma, Accenture Consulting, "Rewriting the Rulebook"

¹¹ <https://www.nbs.net/articles/bringing-courtrooms-online-for-speedier-justice>

19. These initiatives should be aimed at all courthouse stakeholders, the judiciary, crowns, defense attorneys, administrators and police services.

Additionally, feedback received from the OAPSB survey indicated that Ontario's new bail policy is also having an effect on the number of persons being transported for court purposes and is expected to continue to have an impact.

Prisoner transportation volumes in 2022 are therefore estimated to range from 35% to 60% of pre-COVID-19 volumes, made up of:

- 20% to 35% of trips that are from police stations to correctional institutions which will remain, as discussed above;
- 5% to 15% of trips that will relate to trial dates. This a conservative estimate as the 2019 case data indicates trials only occur in 3.5% of cases and only 11% of cases have a trial date at all (even if guilty pleas and withdrawals need to be made in person). The high estimate will leave considerable room for a potential surge as courts re-open and delayed trials are held.; and,
- 10% to allow for pre-trial hearings that could not be accommodated by video, given the ongoing JVS implementation plan.

Once the implementation of new video capacity is completed through the JVS, and the backlog of trials is resolved, the prisoner transportation volumes should decrease to 30% to 55% of pre-pandemic levels. This would be made up of:

- the 20% to 35% of trips that are from police stations to correctional institutions;
- 5% to 10% of trips that will relate to trial dates once the pent-up demand is satisfied and allowing that some guilty pleas and charge withdrawals may occur virtually, and
- 5% to 10% to allow for the pre-trial hearings that are not expected to be accommodated by the Justice Video Strategy (which set 90% of pre-trial appearances as a target), and will still not be accommodated by changing expectations as a result of the COVID-19 experience.

However, costs will not reduce as much as volumes do. Stakeholders noted that COVID-19 prevention protocols have added steps to transportation (e.g., disinfection) and can require more trips given that prisoners have to be physically distanced (e.g., each in their own compartment). The reduction in prisoner volumes has not resulted in a corresponding reduction in the trips required, partly due to reduced vehicle capacity with social distancing requirements, and partly because a trip must occur to transport a single prisoner – using the same staff resource that might have carried 10 prisoners before. The cost largely relates to the driver (and co-driver), not to the type of vehicle involved.

But there will be reductions. The SOLGEN May 2020 COVID-related survey found that 18 out of 29 police services (including OPP) who responded had reduced the number of staff assigned to prisoner transportation. The survey found that the number of officers and staff assigned to court security had decreased by roughly 40% overall. The OPP OTP have retained all their permanent staff but

significantly reduced part-time staff hours. This resulted in a 24% reduction in the cost of transporting adult prisoners, far less than the reduction in prisoner volumes because all full-time staff have been retained, but certainly an indication that costs may be reduced when prisoner volume declines. MPS report they have most frequently reassigned transport and sometimes court security staff to supervising virtual court appearances from police headquarters.

There were some runs, including flights, that currently involve individual prisoners. They can be eliminated if the trip is eliminated. Many prisoners are now transported on loops that follow a general route pattern. The loops cannot be eliminated as long as there is at least one prisoner to transport, however the loops could be combined in some cases if volume diminishes significantly, reducing the number of loops and therefore the costs of operating them. The introduction of software as discussed in another section will assist in redesigning the loops to meet changing demand levels.

In the transportation business, costs are generally considered linear, e.g., directly related to volumes. There can be situations where the costs are not linear, such as decreases in the number of trips while the geographical service area remains the same and circumstances where the level of service has to be maintained while the ridership declines. These factors are present in this situation, which will result in the savings being less than the decline in ridership. For example, the City of Ottawa found that the average number of passengers per trip declined from 4.3 in 2019 to 3.1 in December of 2020 and as low as 2 in July when only 11% of prisoner volumes were carried. However, experience working in the transportation industry, the experience of the OPP OTP (which reduced costs 24% without laying off any staff) and the MPSs (which reassigned many staff to other duties) during COVID-19 and common sense suggests there will be cost reductions of at least half the amount that ridership declines. As a consequence, there is an expectation costs will be reduced by at least 20% to 30% in the short-term (when volumes are down by 45% to 70%) and 20% to 40% in the medium and long term when full video facilities are in place (and prisoner volumes are down 55% to 70%).

Estimated Impacts of Virtual Hearings on Court Security

Participants in the workshops indicated courthouse security requirements have not decreased as dramatically as prisoner transportation requirements have during the pandemic. Workshop participants and survey responses indicated the costs of providing basic security at courthouses are similar to what they were before the pandemic, with the exception of prisoner movement in most cases.

Similar to prisoner transportation, the opportunity for savings once courthouses re-open largely relate to the handling of prisoners within the courthouses. Historically most prisoners in a courthouse have been there for pre-trial hearings, and the expansion of virtual hearings would reduce the number of prisoners within the courthouse. It is not anticipated cost reductions will reach the 40% level as indicated in the May 2020 survey by virtue of at least some prisoners needing to be in the courthouses once they re-open.

Prisoner management can involve meeting the prisoners when they arrive at a courthouse, transporting them to holding cells, supervising them while in the cells, arranging for their meals,

transporting them to and from courtrooms when required and supervising them while in the courtroom, and returning them to the transport vehicles at the end of the day. These costs are a major demand on court security staff, second only to entranceway screening and may take from 20% to 40% of court security staffing.

Reduced volumes have already resulted in lower staffing levels, and can be expected to continue to some extent. In larger courthouses the number of supervisory officers will decline and in other locations where a prisoner is required for a trial but there are none to be supervised while the trial is underway, staffing can be reduced. Lower volumes in smaller courthouses may potentially eliminate the need for prisoner management altogether on some hearing dates. It is estimated that the costs of court security should decline:

- 5% to 10% in the short term, based on estimated reduced volumes identified above, and a reduction in the 20% to 40% of costs related to prisoner management and
- 10% to 15% in the longer term, as prisoner volumes reduce further due to the elimination of the trial backlog and the continued improvement of video facilities.

Prisoner Impacts of Virtual Hearings

There is also an expectation that prisoner impacts have declined as a result of more extensive use of virtual hearings. If attending a hearing in person, prisoners may be awakened early, may spend extensive time in an uncomfortable prisoner transportation vehicle, may spend hours in a courthouse lockup and then return quite late to the correctional institution. These conditions can be particularly difficult for prisoners with mental health issues. When prisoners are released as a result of a hearing, there are advantages to being released from the correctional institution, where they can retrieve their personal items (wallets, belts, phones, etc.) and they can receive assistance from a discharge planning officer, rather than at a courthouse where the personal items and services are not available.

Maximizing Use of Virtual Hearings in the Future

Most stakeholders, whether by interview, survey or workshop saw the use of video appearances and reduction in prisoner transportation requirements as beneficial and argued it should be maintained as much as possible as courts open and the “new normal” is established.

There is a danger that as COVID-related restrictions diminish, the court system will shift back to its former model of operation, particularly if the infrastructure required to support virtual appearances remains inadequate. The province does have a process underway to expand the capacity of courthouses and correctional institutions to conduct effective virtual hearings, and to accommodate the meetings between prisoners, and their defence counsel and supportive agencies. However, these changes will not all be in place by the time COVID-19 restrictions ease. Furthermore, there is no coordinated plan for police services to accommodate virtual hearings from their detention facilities. Most have accommodated the virtual appearances to the extent necessary, but often with temporary arrangements that impact other aspects of police operations. Police services will need to make

permanent changes in their facilities in order to accommodate an adequate standard of bail hearings by prisoners in their care.

Stakeholders, by interview, survey or workshop indicated that continuing to use virtual hearings whenever possible, and adequate, will require:

- The Court system developing an understanding that in the “new normal”, pre-trial appearances will be virtual - by video whenever possible, but by audio when necessary to prevent long trips or flights, particularly in the north.
- The province needs to continue its programs to improve video capacity at courthouses and at correctional institutions. This also means ensuring that all significant projects to expand, relocate or otherwise modify courthouses and correctional institutions include adequate video facilities. It means ensuring defence counsel and support agencies can access prisoners by video.
- Police services will need to expand the video capacity at police station lockups. The province will need to adopt policies that encourage these improvements, potentially including funding.
- Courthouse stakeholders will need to accept the imperfections, even inadequacies of existing virtual capacities as modernization is addressed. The province will need to perform effective change management while this transition is ongoing.
- Capacity is not only about technology. Video appearances from an institution or police detention facility require someone to monitor the process to ensure the security of the facility, equipment, and the offender. The survey and workshops indicate that many police services have redeployed staff that would normally provide prisoner transportation and/or court security services to this role. This is more challenging for smaller services or those that use the OPP OTP as there is less opportunity to reassign staff and more of a problem providing supervision in correctional institutions and sometimes at courthouses which leads to pulling officers off of front-line services.

Recommendation

1) *SOLGEN should work with all justice stakeholders (justices, crowns, defense counsel, court administrators, police services) to ensure the “new normal” that emerges after COVID-19 minimizes the transport of prisoners, and maximizes the use of virtual appearances for pre-trial hearings. This will require:*

- *Establishing a standard of practice for using virtual hearings for pre-trial hearings that do not have extenuating circumstances.*
- *Continuing to install video capacity in correctional institutions and courthouses with a view to accommodating both the hearings themselves and communications between prisoners and their counsel and relevant support agencies.*
- *Encouraging police services to upgrade their detention facilities to incorporate the capacity for virtual bail hearings.*

- *Improving access to virtual weekend and statutory holiday (WASH) courts throughout the province to eliminate the need to transport prisoners before a First Court Hearing.*

Implementation Plan

SOLGEN will have to execute an effective Change Management Plan over the next year to year and a half in order to minimize the requirements of transporting prisoners to court for pre-trial appearances. While the scope of such a plan is beyond the mandate of this review, it will need to include:

- Work with all court stakeholders to review their experience in the past year, identify what went well and what problems or issues emerged with virtual appearances.
- Develop a plan to address the issues, and address them as quickly as possible. The plan may have short- and long-term elements, including the identification of “work around” solutions employed in the past year, evaluation of those means, and identifying new work arounds, or previously established best practices to deal with the issues.
- Publish the findings and best practices and encourage their use in the future. Ensure the risks related to prisoner transportation and prisoner appearances are identified and presented.
- Work with the senior judiciary to determine their expectations and encourage them to encourage other judges throughout the province to minimize the need for in-person appearances other than required for a trial.
- Work to overcome technical issues, such as internet access in the north, conducting pilots with a variety of satellite providers.

Efficiency Estimate:

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> Short-term 	<ul style="list-style-type: none"> Prisoner transportation volumes return to 35% to 60% of pre-COVID-19 levels. (made up of trips from police stations to correctional institutions (20% to 35%), trial dates (5% to 15% including deferred trials), and other pre-trial hearings that cannot be carried out by video (10%)) 	<ul style="list-style-type: none"> 20% to 30% reduction of prisoner transportation costs (some trips eliminated; some loops consolidated). \$16M to \$24M reduction 5% to 10% reduction of court security costs (reduced prisoner management costs) \$6M to \$13M reduction.
<ul style="list-style-type: none"> Medium Term 	<ul style="list-style-type: none"> Prisoner transportation volumes decrease to 30% to 55% of pre-COVID-19 levels with elimination of trial backlog and improved video facilities, (made up of trips from police stations to correctional institutions (20% to 35%), trial dates (5% to 10%), and other pre-trial hearings that cannot be carried out by video (5% to 10%)). 	<ul style="list-style-type: none"> 20% to 40% of prisoner transportation costs. (some trips eliminated; some loops consolidated) \$16M to \$32M reduction 10% to 15% of Court Security costs (reduced prisoner management costs) \$13M to \$20M reduction.
<ul style="list-style-type: none"> Long Term 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Same

4.2 Use of Special Constables

Current Situation

The survey results and workshop discussions confirm that most MPSs use special constables for prisoner transportation (Table 7). About half of MPSs who responded to the survey also use sworn officers at least on occasion to perform transport covered by the CPST TP Program. Workshop participants indicate this may occur due to: timing (no special constable available), the risk assessment (e.g., armed presence necessary), irregular requirements inconsistent with prisoner transport unit schedules, or occasional requirements at smaller services. There is no involvement of contract personnel in prisoner transportation other than the contracts with OPP OTP.

Table 7: Type of Personnel Used for PT by MPSs

Prisoner transportation Tasks (% of MPS that use category for each task)	Sworn Officers	Special Constables	Contractor (OPP OTP)	Not applicable
From police station to correctional institution	69%	93%	10%	0%
From police station to court	79%	93%	3%	0%
From correctional institution to court	48%	86%	14%	14%
From court to correctional institution	55%	93%	14%	7%

About half of OPP detachments (Table 8) also use special constables for prisoner transport¹². Most OPP detachment respondents and certain MPS respondents with an OPP OTP MOU, indicated that OPP OTP handles most of their prisoner transport, but that they still have to use their own personnel under some circumstances. Workshop participants indicated this may be because the OPP OTP cannot handle the prisoner (higher risk or requirement outside court order) or the requirement does not meet the OPP OTP program schedule, usually a requirement on weekends. The OPP detachments are more likely to use sworn officers than MPS because they are generally smaller, have lower transportation needs, or rely on the OPP OTP for the majority of prisoner transports. They use sworn officers for specialized occasional needs.

Table 8: Types of Personnel Used for PT by OPP Detachments

Prisoner Transportation Tasks (% of OPP detachments that use category for each task)	Sworn Officers	Special Constables	Contract Personnel	Other Civilians	Not applicable
From detachment to correctional institution	91%	57%	4%	0%	0%
From detachment to court	94%	51%	4%	0%	0%
From correctional institution to court	66%	58%	6%	0%	11%
From court to correctional institution	70%	55%	6%	0%	15%

All MPSs use special constables for court security as indicated in Table 9, and most have them perform nearly all functions within the courthouse. For example, Toronto, with the largest Courthouse security operation, is staffed entirely by special constables as a routine, with sworn officers included when a risk assessment requires it. However, most services do have sworn police officers present to respond to security calls and alarms and supervise the work of special constables or contractors. Eleven MPSs indicated they have officers in courthouses performing administrative duties who are not included in the Court Security costs. Eighteen MPSs indicated they do not have such officers.

A few MPS survey respondents indicated that although it is incumbent on sworn officers to respond to emergencies, on-duty special constables are often involved in crisis response as well. Stakeholders

¹² A few respondents noted that sworn officers are involved only to transport youth offenders.

mentioned retired sworn officers are hired part-time to provide additional security, and cadets can also be mobilized for court security. Discussions during the workshops revealed that court security arrangements can vary significantly between court locations within a given jurisdiction (e.g., special constables only in the main courthouse, but sworn officer assigned to POA court).

Table 9: Type of Staff That Perform Court Security Tasks for MPSs

Court security tasks performed at the courthouse(s) (% of MPS who use each staff category)	Special Constables	Sworn Officers	Contract Personnel	Other Civilians	Not applicable
Prisoner movement with the courthouse	100%	48%	3%	0%	0%
Security in the courtroom	100%	59%	3%	0%	0%
Prisoner feeding	97%	31%	3%	0%	0%
Managing in-custody facilities	97%	55%	3%	0%	0%
General visibility in common areas	93%	62%	17%	0%	0%
Security at access points	83%	52%	28%	0%	7%
Respond to alarms and other calls	76%	79%	10%	3%	0%
Facility perimeter security	66%	41%	28%	3%	10%
COVID-19 responsibilities (e.g., health screening)	38%	31%	52%	24%	10%

OPP detachments use special constables to a lesser extent than MPS as shown in Table 10. In the majority of OPP detachments, sworn officers conduct prisoner movement, safety in the courtrooms, and general visibility in common areas. This is especially true in smaller communities and part-time courthouses. Some OPP officers play a dual role at smaller courthouses, providing administration support and being available to respond to security duties as required. Among OPP detachments who do court security and responded to the survey, 40% indicated they have such officers conducting administrative duties at the courthouses, but these expenditures are not covered in the costs submitted for reimbursement under the CSPT TP Program.

Table 10: Type of Staff That Perform Court Security Tasks for OPP

Court security tasks performed at the courthouse(s) (% of detachments who use each category)	Special Constables	Sworn Officers	Contract Personnel	Other Civilians	Not applicable
Prisoner movement within the courthouse	48%	73%	0%	0%	8%
Safety and security in the courtroom	45%	88%	5%	0%	0%
Prisoner feeding	45%	58%	8%	20%	10%
Manage in-custody facilities	43%	53%	5%	8%	20%
General visibility in common areas	43%	78%	8%	5%	5%
Facility perimeter security	35%	58%	3%	0%	25%
Respond to alarms and other calls	33%	78%	3%	0%	13%
Security at access points	30%	45%	8%	5%	33%
COVID-19 responsibilities (e.g., health screening)	13%	30%	20%	10%	40%

Special constables working within the OPP OTP do not formally assist with court security. However, there are instances in which the police service providing security in the courthouse assists in bringing the prisoner from the truck to the courthouse cells. In some cases, the transporting officers or special constables experience downtime between the last drop off and the first pick-up.

Drivers for Change

In the majority of cases, survey respondents indicate that armed presence is needed only in high-risk cases and that the use of special constables is appropriate and sufficient, especially if the vehicles and equipment are adequate. However, 45% of MPS and 26% of OPP detachments who responded to the survey and do prisoner transportation indicated that armed presence is necessary for this service. On the other hand, Toronto, the largest MPS, uses special constables exclusively for prisoner transportation. The OPP OTP also uses special constables exclusively for transportation. There are very few mid-sized to larger services that use sworn officers exclusively.

The Jurisdictional Review indicates that the other jurisdictions surveyed generally use personnel other than sworn police officers to conduct both prisoner transportation and court security. The name of the position varies, but these staff generally receive specific training focused on the court security and/or prisoner transportation areas, are often not armed (although in one case they are), and are generally paid less than sworn police officers.

Among smaller services there is more use of sworn police officers, generally because the need varies from day to day (e.g., courts move from town to town, they are open for limited periods, prisoner attendance is intermittent). This makes it more difficult to hire special constables and deploy them on a full-time basis unless additional tasks can be assigned. This is a particular challenge for Indigenous services which rely on the OPP to appoint special constables and we understand that the OPP appointments are for limited tasks (tasks can be varied by appointment based on needs).

Many smaller municipalities (and some mid-sized), as well as many OPP Detachments rely on the OPP OTP to handle prisoner transport. When the OTP cannot transport prisoners, these services must pull their sworn police officers off regular duties in order to carry out the prisoner transport. The same situation emerges when smaller services and detachments must provide court security on an occasional basis. They are required to pull sworn police officers off regular duties. First Nations police services also noted this as a problem.

The OPP OTP is a unique service that provides the economies of scale to justify use of special constables, but a few survey respondents and workshop participants spoke about instances where the OPP OTP will not accommodate the transport, and the local police service must carry out the transport, usually using sworn police officers withdrawn from front-line duty.

The OPP OTP Standard Operating Conditions (SOC) indicate the OPP OTP may refuse to transport:

- An offender exhibiting self-harming behaviour;
- An offender exhibiting/indicating a medical problem without appropriate authorization from a medical practitioner;
- An offender testing positive on an institutional body scan without appropriate authorization from a medical practitioner;
- An offender confirmed to be more than five months pregnant;
- An offender who is not ambulatory;
- An offender on a suicide watch;
- An offender in an insecure location and there is no armed officer present.

A decision on whether to transport in these cases can be made by the Senior Offender Transport Officer. The SOCs also indicate that when a police service of jurisdiction determines there is a threat related to a high-risk offender (e.g., potential for assisted escape or hijacking), the OTP will not carry the prisoner. In addition, the OPP OTP will only transport prisoners pursuant to a court order. Where court orders indicate prisoners will be taken to a particular place (e.g., a custodial institution) the OTP will not take the prisoner to any other place, even to a hospital or medical facility if the prisoner is thought to have a medical issue. Diverting from the court order requires clearance.

If the OPP refuses to transport for any of these reasons, the police service of jurisdiction is then required to provide the transport, and this usually occurs using a sworn police officer and a squad car. As a consequence of the comments from MPSs the OPP OTP has indicated that it is reviewing its practices in such refusals and eliminating the refusals whenever possible.

Analysis

There is some opportunity to expand the use of special constables in Ontario.

The evidence indicates that the use of special constables for court security and prisoner transportation is a best practice. The survey identified that all mid-sized to large forces in the province use special constables for both court security and prisoner transportation. The OPP OTP uses special constables for prisoner transportation as well and the jurisdictional review found that generally, personnel other than sworn police officers are used to conduct both prisoner transportation and court security.

We know from the survey that there are a number of MPS using sworn officers exclusively for court security and/or prisoner transportation. It was found that the difference in cost between a sworn officer and a special constable, including benefits, is generally in the \$30,000 to \$40,000 range

annually.¹³ Based on the survey data, there are at least two MPS that would be candidates for expanding the use of special constables.

Expanding the use of special constables in smaller services or detachments would require some approach to allow sharing the special constable resource among services. The best approach would seem to be to attach the court security, and where appropriate prisoner transportation mandate, to an entity that could work with the courts, so the same special constable(s) could travel with the court as hearings are arranged to provide court security at each location. Where the logistics are appropriate (e.g., the court is based in a location with a correctional institution), the special constables moving to the rotating court locations could also facilitate the prisoner transportation.

This kind of arrangement would likely require the transfer of responsibility from local police services to some common entity, whether by agreement with the services or through a provincial action. Options to achieve this are discussed in later sections of this report.

Recommendations

- 2) *The MPS that use full-time sworn police officers rather than special constables for prisoner transportation and/or court security should convert to use of special constables.*
- 3) *In 2024 Implement \$40,000 CSTP PT grant reductions per FTE for police services that only use sworn police officers for prisoner transportation or courthouse entrance screening (should not apply to police services who use a limited number of sworn officers as well as special constables).*
- 4) *The OPP OTP continue to reduce its “refusals” to transport prisoners whenever possible.*

Implementation Plan

Point out the alternatives to the MPSs still using sworn officers exclusively and invite them to contact other MPSs which use special constables more extensively. This implementation process can be combined with that for contracting of courthouse entrance screening (discussed in the next section), and the savings are additive.

13 An article “The Civilianization of Police in Canada” reported at <https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/2015-r042/index-en.aspx#a10-1> provides an example of the replacement of sworn officers with civilians as Court Service Officers. Court services were provided by seven members: one sergeant at an annual salary of \$132,429, two constables at annual salaries of \$121,859, two special civilian constables at annual salaries \$105,076, and two part-time special constables at annual salaries of \$41,046. This amounted to \$400,410 in salaries and benefits. After an analysis of salaries and benefits, court security became the responsibility of one special constable at an annual salary of \$53,538, and six part-time special constables at annual salaries totalling \$123,138. This amounted to \$176,676, amounting to overall savings of \$223,734. The article notes that resources saved were deployed elsewhere within the police service rather than resulting in a net reduction to the budget.

Note that sworn officers cannot be replaced with special constables in smaller forces, without implementing the structural change addressed later in this report.

Efficiency Estimate

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> Short-term 	<ul style="list-style-type: none"> Replace 1-4 sworn police officers with special constables with a saving of \$30-40,000 per position Assumes two MPS currently using sworn officers will convert to best practice 	<ul style="list-style-type: none"> \$30K to \$160K
<ul style="list-style-type: none"> Medium Term 	<ul style="list-style-type: none"> Replace 4-8 sworn police officers with special constables with a saving of \$30-40,000 per position Assumes MPSs currently using sworn officers will convert to best practice, and potential for some conversions based on co-operation between services 	<ul style="list-style-type: none"> \$120K to \$320K
<ul style="list-style-type: none"> Long Term 	<ul style="list-style-type: none"> Replace 4-15 sworn police officers with special constables with a saving of \$30-40,000 per position Assumes all MPSs involved and some regional entities involved in prisoner transportation as well as court security 	<ul style="list-style-type: none"> \$240K to \$600

4.3 The Use of Contractors for Court Security

Current Situation

As part of the CSPT TP Program review, MPSs and OPP were asked to identify how they staffed various court security activities. Breakdowns of the mix of staff for securing access points, conducting facility perimeter security and undertaking COVID-19 screening activities were requested.

According to the survey results, 19 MPS have special constables screening at access points, nine of which also have sworn police officers involved. Ten OPP detachments have special constables (with or without sworn police officers) carrying out screening, and another ten have sworn police officers doing the screening.

Screening is usually only conducted at the major courthouse in each location, although in Toronto, with 13 courthouses, screening is done by special constables and there is screening equipment at all courthouses. Some OPP detachments use sworn police officers because they secure a courthouse that does not sit every day. Many police services indicate they have sworn police officers in the courthouses performing other duties, ranging from providing visible presence, courtroom security, or court administrative duties, resources that may be available if an incident at the screening station occurs.

The survey results indicate there is some contracting out for security at access points, facility perimeters and for the conduct of COVID-19 screening. During the workshops, a few police services did describe their use of contract personnel to oversee access points. The percentage of MPS and OPP locations that are using contract personnel for these functions are highlighted in the table below.

Table 11: Type of Staff That Perform Court Security Tasks for MPS and OPP

Court security tasks performed at the courthouse(s) (% of MPS who use each staff category)	Special Constables		Sworn Officers		Contract Personnel		Other Civilians		Not applicable	
	MPS	OPP	MPS	OPP	MPS	OPP	MPS	OPP	MPS	OPP
Security at access points	83%	30%	52%	45%	28%	8%	0%	5%	7%	33%
Facility perimeter security	66%	35%	41%	58%	28%	3%	3%	0%	10%	25%
COVID-19 responsibilities (e.g., health screening)	38%	13%	31%	30%	52%	20%	24%	10%	10%	40%

During the workshops, a few MPS representatives identified there are substantial cost savings available from contracting service delivery in the area of court security, particularly in perimeter security, screening and alarm monitoring.

Drivers for Change

Workshop attendees indicated that by contracting out access point and perimeter security activities, significant cost savings have been achieved, and they were satisfied with contractors’ performance and the resulting security level. In those cases, contractors and court security police staff work in close collaboration (e.g., a sworn police officer is also in the area near the screening, or sworn police officers are available to respond; and two special constables also monitor screening during peak times at one location).

Another police service explained they have recently gone to tender to hire contractors to operate X-ray and magnetometers at the courthouse. The contracting measure is intended to generate significant savings, but the respondent wondered whether the level of service will be comparable to that of experienced special constables already familiar with the community, and whether sharing responsibilities with a private third-party will be effective.

There was concern that contractors may be ineffective e.g., inadequately trained, or unresponsive to direction from the police service. There was also concern that some high risk but very low frequency incidents have required an armed presence at or near the entrance when screening personnel are confronted with armed members of the public.

Other police services and court stakeholders seem to share the same concerns when considering involvement of the private sector in court security. The concern appears to focus on the learning involved in the change process, and the concern that a competitive procurement process will not select competent contractors. Toronto, who uses special constables exclusively for court security, has conducted regular audits on court security, but no exercise has recommended the use of contractors.

However, the data collected during the study indicates that contractors have successfully been used to conduct screening at courthouse entrances, secure courthouses in the evening and for monitoring cameras and alarms. At the moment the province has engaged contractors to conduct COVID-related health screening (that have been responsive to direction), and Ottawa Police Service and the Waterloo Regional Police Service use contractors successfully.

Ottawa found the introduction of contractors to conduct screening saved 70% of the cost, or \$700,000 compared to having 10 special constables conduct the work. This relates in part to the lower all-in hourly cost of staff, and partly to more flexibility in the assignment and recruiting of staff. Ottawa engaged a contractor who was also providing building security services in the evening, which ensured at least some staff had familiarity with the building and its operating circumstances. Ottawa also required the contractor to provide staff who had a minimum level of specified training as determined by the MPS. However, Ottawa also kept a sworn police officer who supervises the screening process, and provides the armed presence required in the event of incidents.

Similarly, the Waterloo Regional Police Service has registered a 4.5 FTE reduction and annual savings equal to \$358,000 as a result of contracting private security for screening as opposed to using special constables in their courthouse.

Analysis

The evidence indicates expanded use of contractors to conduct screening at courthouse single points of entry can reduce the costs for police services of jurisdiction and provide adequate levels of security if properly implemented. It can also reduce the cost of introducing screening at new locations, which may make it easier to expand screening to new areas in response to stakeholder concerns. Contracting is most likely to be successful if RFPs require a specified level of staff training as determined by a MPS, and an MPS does not eliminate the presence of sworn police officers where they exist now, presumably on the basis of a risk assessment.

The concerns raised that some high risk but very low frequency incidents have required an armed presence is a factor independent of whether special constables or contract staff conduct the screening, as neither are armed. If a risk assessment indicates an armed presence is necessary, it will be required under either scenario. In some cases, it will be determined that other armed officers in the courthouse can cover the requirements, and again, that determination would be independent of whether special constables or contractors carry out the screening.

Based on survey findings, we estimate that there are 20 courthouses that could change from having special constables conduct screening, to having contractors conduct the screening. About half of these will be smaller than Ottawa and Waterloo, some will be constrained by collective agreements and/or negative attitudes towards contracting and some may keep more sworn police officers involved than Ottawa and Waterloo (although both retained some). As a consequence, our analysis conservatively assumes savings will be \$200,000 per location on average, despite the much higher savings that have occurred in Ottawa and Waterloo. The \$200,000 per location estimate is very conservative. The estimate is based on calculating less than half the average of what was achieved in Ottawa and Waterloo.

The review did consider the potential to contract out court security and/or prisoner transportation province-wide as a whole, to organizations such as the Commissionaires or GardaWorld. There would likely be savings in doing so, however there is concern that it would remove the control and direction of staff too far from the court stakeholders. With the high aversion to risk of court stakeholders and the need to maintain an armed presence in many courthouses we do not recommend this approach at the present time. However, it is something that a particular police department may choose to pursue in the future, and with the right relationship between the court stakeholders, the police service and the contractor, it could be a workable solution.

Recommendation

- 5) Encourage police services using special constables (currently 83% of MPS and 30% of OPP locations) to conduct screening at courthouse entrances through contracting the screening operations. The contract should require the training of contract staff and specifications of responsibilities to respond to direction from the MPS (or OPP) courthouse security personnel. The screening area should retain an armed sworn police officer presence when warranted by risk assessments.*

Implementation Plan

There is no structural change required to implement this recommendation. The existing *Police Services Act* does allow for the police service of jurisdiction to determine how it will provide court security and if it chooses to use contract staff, they have the special authority the act confers on court security staff generally. The police service of jurisdiction would remain accountable for court security.

The Ministry should start the process by facilitating information exchanges between police services and support police services that are considering the approach. A zoom presentation by Ottawa and Waterloo for example, could help identify best practices and assist other police services to initiate the process. It would also be useful to prepare a “best practices” document to assist police services to manage the approach, particularly when they are required to use municipal procurement processes. The process would be useful to police services expected to implement new screening processes as well as those contemplating converting existing screening processes to contracted staffing.

In a second phase, perhaps starting in 2024, the CSPT TP Program could be adapted to provide financial incentives to contract screening in particular. This could involve reducing the approved expenditures or the actual CSPT TP Program payments of any police service that continues to screen without at least tendering for screening activities (if tenders suggest no savings, implementation would not be required) to assume contracting is employed at all full-time courthouses, or it could simply reduce the payment by \$200,000 (based on the saving estimate above). These funds could be used to support the expansion of screening equipment to new locations, as discussed in the next section “Improving Security in Courthouses”.

Efficiency Estimate

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> Short-term 	<ul style="list-style-type: none"> The forecast assumes at least 2 to 5 courthouses could switch to contractor screening in the short-term, recognizing that it is underway in at least one. To be conservative, the forecast assumes, reducing costs by \$200,000 at each location 	<ul style="list-style-type: none"> \$400 K to 1 million
<ul style="list-style-type: none"> Medium Term 	<ul style="list-style-type: none"> The medium-term estimate would assume 5 to 20 courthouses (total) would switch. The lower estimate assumes MPSs other than Toronto convert the higher 	<ul style="list-style-type: none"> \$1 to 4 million

	Rationale and Assumptions	Estimated Savings
	estimate assumes courthouses in Toronto are involved	
• Long Term	• Same	• \$1 to \$4M

4.4 Improving Security in Courthouses

Current Situation

Current legislation states that police service boards and the OPP Commissioner are responsible to determine the level of security required for court activities. In doing this, police services should follow the risk assessment protocols set by the province. There are guidelines for conducting the risk assessments as outlined in the Provincial Adequacy Standards (LE-014A). The Court Security Tool is used to identify security needs in each individual courthouse for which the police service of jurisdiction is responsible. This assessment covers critical incidents, the nature of cases, personnel and procedures, emergency planning and physical assessment.

Each courthouse has a Court Security Committee through which the judiciary, crown, defence counsel and court administrators discuss security requirements with police service responsible to provide security. Most MPS and OPP detachments who answered the survey participate in regular formal meetings with partners regarding court security, through Court Security Committees or working groups, Local Courts Management Advisory Committee, Criminal Court Management Committee, and Bench and Bar meetings. According to survey results, the frequency of contact varies (i.e., ‘regular’, bi-weekly, quarterly, bi-annually, annually). The majority of MPS survey respondents (86%) and most OPP detachment respondents (67%) report that collaboration with partners on court security is working well.

Infrastructure Issues

Some survey and workshop respondents described technology or infrastructure upgrades to courthouses that have been valuable (e.g., creating a single-point of entry, installation of new screening equipment, adding surveillance cameras, opening of new courthouse, etc.). The province of Ontario continues to upgrade or replace courthouses, addressing security issues as part of the process. Survey respondents who operated out of new courthouses, or who reported that infrastructure and equipment improvements had been made, said they did not reduce their court security staff as a result, but had greater confidence in their ability to address security risks.

Through the survey and focus groups, other services report that infrastructure issues remain and, sometimes, a lack of adequate security equipment hinders court security. This includes challenges due to the number, design, age or characteristics of courthouse buildings. Examples of these challenges were noted as: shared buildings and cohabitation with multiple services, prisoner circulation in public spaces, lack of space, multiple points of entry, elevators, or inadequate cell blocks. Several courthouses

are located in heritage buildings, which can complicate retrofit or maintenance projects, although there have been examples where issues were overcome. Equipment issues include lack of screening hardware, no adequate camera system, defective alarms, no prisoner box for in-custody matters, and so on.

Among MPS who responded to the survey and do court security, less than half (46%) indicated there is screening equipment in operation at the courthouses they secure. This percentage is lower for OPP detachments where 16% of survey respondents indicated they have screening equipment in operation at courthouse access points. Courthouses with screening detectors tend to be larger facilities with higher risk trials and the largest numbers of people entering. The courthouses with deficiencies tend to be smaller and/or not used full-time.

These issues impact the risk assessment, and thus the number of staff (namely sworn officers) that have to be deployed to secure courthouses. For instance, armed presence may be required because a location has multiple points of access. The lack of screening equipment can impact the risk of weapons being brought into the courthouses, or the ability to screen incoming packages.

Additionally, crowns sitting in small or even temporary facilities with audiences that may be related to the accused indicate they would feel more comfortable if there was some screening of the attendees, who are usually seated behind the crown's back. Security outside the courthouse can also be a concern (e.g., immediate vicinity, and parking spaces).

Relationships

Through the survey and workshops, police services explained that the relationship with the judiciary, crown and defense counsel regarding court security can be challenging. There are varying expectations and demands from the Judiciary with respect to how court security is provided. Some want armed officers in their Courtrooms – some do not, some want prisoners unshackled, causing increased security risks for the police services to manage and navigate, while others do not.

However, the most common issue raised by police services relates to court stakeholders' high and increasing expectations for court security, which can put a strain on resources. Court security expectations and requests have increased over time. Of MPS and OPP survey respondents who indicated they had made changes to court security duties in the last three years, most described increasing their staffing levels. Smaller police services have to accommodate additional requests by pulling staff from the front-lines or going into overtime. About half of OPP survey respondents (52%) find it challenging to deliver court security with their level of staffing, with needs exceeding their capacity. Some respondents specify that they do not have the resources to meet demands from the judiciary, or to accommodate late court hours. A few small and medium sized police services indicated they had to refuse requests to conduct additional court security activities (e.g., opening of a new court location, staffing new equipment) because of lack of personnel.

Request for Standards

Both workshop participants and courthouse stakeholders also identify lack of consistent standards for court security as an issue. On the one hand, this makes it difficult for police services to “push back” against court security asks that are not aligned with the risk assessment, police service responsibilities or level of resourcing. On the other hand, there are no standards that court administration, the judiciary, counsel or Crown can rely on to formulate security requirements in courthouses and courtrooms.

As a result of no standard, security requirements do vary significantly between courthouses. A significant number of factors influence these differences:

- The nature of proceedings in the courthouse, e.g., criminal courts, youth courts, family courts, or POA courts (traffic ticket courts).
- The layout of the courthouse building, which may or may not have a single point of entry for the public, separate entrances for prisoners, and the judiciary, a requirement for judges to traverse public spaces, and a requirement for prisoners to traverse public areas, etc. The occasional use of public facilities in small communities, such as arenas or Legion halls can be limiting.
- Particular risks, such as defendants likely to be targets of attack or defendants likely to attack others, or the potential intervention of third parties to disrupt activities or attempt to free a prisoner.

These differences make it very difficult to set a standard for all courthouses, or even all courthouses that fit into a certain category. Renovations or reconstruction of courthouses can produce important benefits that can reduce the costs of providing adequate security, but they are costly and while some are always underway, they cannot all be accomplished at once. Moreover, standards and expectations do change over time. Any meaningful standard would have to apply to the facility as well. Setting a standard that required large capital expenditures by the province or large operating expenditures by police services would be problematic.

However, court stakeholders do require some means to ensure their reasonable requests are met. The ability of the judiciary to cancel a court hearing is an approach. An alternative would be to have an appeal body that court stakeholders could ask to issue orders that a police service provide additional security services. However, that would be difficult in a context where court security is largely a municipal responsibility, and while “anything is possible”, there have been very few incidents which would justify higher security standards.

Financial incentives would be possible, perhaps recognizing the full cost of new security measures implemented by a police service as a first charge against the CSPT TP Program. However, this would have the impact of having other municipalities pay for improved security in a particular location. Without some provincial funding of these incentives, there would be strong resistance.

Recommendations

- 6) *Screening at entrances to courthouses should continue to be expanded as risk assessments identify requirements.*
- 7) *Police services should remain responsible for establishing security levels (and determining when and where screening will be added) unless*
 - *The province accepts responsibility for the cost of increasing security levels.*
 - *CSPT costs drop below \$125M so the full cost is funded by the province.*
 - *Funds are available for transfer from CSPT TP Program payments reduced as a result of a decision to contract screening.*

Efficiency Estimate

There are no cost savings associated with this recommendation. Additional estimated resources are provided.

	Rationale and Assumptions	Estimated Cost
<ul style="list-style-type: none"> • Short-term 	<ul style="list-style-type: none"> • The forecast assumes at least 1 to 2 courthouses could implement screening. The forecast assumes, increased costs of \$400,000 at each location 	<ul style="list-style-type: none"> • \$400K to \$800K
<ul style="list-style-type: none"> • Medium Term 	<ul style="list-style-type: none"> • The forecast assumes at least 2 to 4 courthouses could implement screening 	<ul style="list-style-type: none"> • \$800K to \$1.6 million
<ul style="list-style-type: none"> • Long Term 	<ul style="list-style-type: none"> • The forecast assumes at least 3 to 6 courthouses could implement screening 	<ul style="list-style-type: none"> • \$1.2 to \$2.4M

4.5 Scheduling Prisoner Transportation

Current Situation

Prisoner transportation is a very complex system. The police may initiate a transportation requirement by arresting someone who isn't subsequently released. The courts may establish a requirement by scheduling a hearing, and then by deciding to release, or not release a prisoner. Occasionally a requirement may result from the police need to take fingerprints or the need for a medical clearance after a prisoner shows symptoms resulting from an emerging medical condition or a conflict situation.

The OPP OTP tracks prisoner transportation requirements on a physical board at each of its five offices, then manually transfers the information to a daily board for each transportation loop, then creates manual sheets that drivers (and co-drivers) can use to determine who they are to pick up, where, and when. Although each vehicle has a regular “loop” they service, some stops may be skipped or others added depending upon the circumstances. The driver or co-driver also records information they have concerning how the trip went, and future commitments or appearances that prisoners are to make. This information is transferred to the future requirements board. This process occurs at all nine of the OPP OTP locations.

Drivers for Change

The OPP OTP prisoner transportation scheduling process is manual and inefficient. There is a low tolerance for errors in this process, so it may require multiple calls or emails to confirm information with various police departments, courts and to inform correctional institutions which prisoners are to be prepared at what time on which day. The management of the operation consumes 11% of the FTEs of the OTP. This includes the staff carrying out all these administrative tasks, as well as other management and supervisory staff.

Analysis

This process could be improved through the use of a software system that would collect information from police services, court administrators and prisoner transportation providers, and distribute information to correctional institutions, determine the most effective routes for the available vehicles to meet the needs the coming day, print schedules for drivers, and allow drivers to record information they receive. Ideally the system would allow input from cellphones (an app) and computers, from any of the stakeholders involved (police services, court administrators, correctional institutions, drivers or co-drivers and transportation managers), recording the source and time of the input. It would design the routes for each vehicle using algorithms like that used for para-transit scheduling, considering the various limitations on vehicle capacity, the categories of prisoners, etc. If tied to a GPS system (e.g., cell phones of co-drivers and/or vehicles) it would provide some visibility of progress and allow confirmation of anticipated arrival times. It could also provide confirmation to each police station, courthouse or correctional institution of the expected schedule, allowing them to confirm all requirements will be met. Emails could be sent daily or more frequently to seek the confirmation by stakeholders.

It is uncertain what the cost would be to implement such a software system and further investigation and/or a procurement process would be required. It would also be important to build the system taking into account any changes to operating regimes that are adopted or planned. The savings could be significant, not just in terms of the transportation costs but perhaps also the related costs in court administration, correctional institutions and police services. There is also the potential savings from

automated route planning. Route planning software packages promise savings of 10% to 50%¹⁴. One implementation is credited with reducing the staff time required for route planning by 66% and another saw a 12% reduction in driver cost and a capacity increase of 14%.¹⁵ The savings would be less in this application as many of the current loops have been run for some years. But with reduced volumes and particular stops to be included or excluded based on day to day needs, there should be some savings.

It may also be useful to include in the system some capabilities related to court administration and court security. The court security system is pretty routine in most courthouses, but more variable in smaller and remote communities where courts only sit periodically. Some assistance in scheduling those courts may be helpful and could contribute to the scheduling of prisoner transportation and court security staff. Court administration is largely automated, and a link between that system and the new prisoner transportation system could ensure consistency in results and allow one-time input of data related to planned hearings.

Within the OPP OTP there are five administrative assistants and seven officers involved at least part-time in the route planning process, about 6% of the total staffing (and at least 6% of total costs). Reducing the need to collect, retain and process information on each prisoner trip, confirm the information (the impact of mistakes is large enough to require steps to reduce them) – all by hand – would clearly reduce the administration required. Within larger police services there are similar groups performing this work. There may also be some savings on the drivers and co-drivers if the route optimization aspect helps reduce travel requirements or the number of loops to be run. To be conservative, we have estimated the potential cost savings at 1% to 4% of transportation costs for both the lower administrative costs and route optimization savings, although it is likely savings will be greater.

Recommendation

8) *The Ministry could pursue the potential to integrate a software initiative with court administration and court security requirements. Implementing a new software solution should reduce costs, but it would take some time, and the potential savings would need to be more precisely identified.*

Implementation Plan

As a first step, SOLGEN should conduct a market review to determine the availability of software that would automate and co-ordinate prisoner transportation. Options that would be usable by all participants across the province, and those that might support a large individual operation (Toronto,

¹⁴ <https://www.paragonrouting.com/en-us/blog/post/is-route-optimization-worth-the-money/>, <https://www.aptean.com/solutions/tms/fleet-savings-calculator/>, <https://medium.com/@CircuitApp/using-route-optimization-to-cut-delivery-costs-8c90e2a7c8ea>, <https://blog.routific.com/what-is-route-optimization>, <https://optimoroute.com/>, <https://optimoroute.com/what-is-route-optimization/>

¹⁵ <https://optimoroute.com/what-is-route-optimization/#examples>

OPP OTP, a Northern entity) should be considered. Any potential assistance with court administration should be noted.

Based on the outcome of the market review, the Ministry should identify the scope of a potential software solution, in particular identifying how it may relate to software used in the administration of the courts and the correctional institutions.

The Ministry should then conduct a competitive process to select a software vendor (unless it is determined to extend an existing system).

A pilot implementation could be arranged with the OPP Offender Transportation Program (OTP), or with one of the large MPS, such as Toronto.

Once the pilot demonstrates the value and works out ensures the design is optimal, extend the implementation to other providers.

Efficiency Estimate

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> Short-term 	<ul style="list-style-type: none"> Market Survey and scope definition 	<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> Medium Term 	<ul style="list-style-type: none"> Software selection and trial implementation 	<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> Long Term 	<ul style="list-style-type: none"> Full implementation 	<ul style="list-style-type: none"> 1% to 4% of prisoner transportation costs (\$650K to \$2M)

4.6 Indigenous Services

First Nations police services participated in the review. They expressed a strong concern that they are currently only funded for “front-line” policing, of which court security and prisoner transportation are excluded. However, they indicate they are required to provide both services related to persons they arrest, and support trials in the communities they serve. They argued they should be eligible for the CSPT TP Program just like any other police service, so they could provide the services without taking officers off of the front-line.

We were unable to identify any description of the services they are funded to provide, and only limited description of services they are not to provide – which did not include prisoner transport or court security. First Nations police services are also funded for 100% of their costs by the federal and provincial governments, unlike the police services in other communities where the municipality is responsible for most costs.

While of interest, these matters do not indicate whether the Indigenous services receive adequate funding for the responsibilities they have. The agreements under which they are funded are up for

renewal within the next few years. It would be a good time to review the range of services they provide and ensure there is adequate funding for those services.

Indigenous services also indicated that they can only use special constables for limited purposes as they are appointed by the OPP and can only perform the duties identified in their appointment. However, the OPP did indicate during this review that special constables can be appointed to conduct a range of activities, depending upon the description provided by the detachment – or the Indigenous service – when they seek the appointment. Based on that clarification, the Indigenous services may wish to explore wider use of special constables that would make the appointment of special constables worthwhile in a wider range of circumstances.

Recommendation

- 9) *That the Ministry ensure that the appropriate funding levels for prisoner transportation and court security are specifically and clearly addressed in the next round of funding discussions with First Nations police services.*

Implementation Plan

The court security and prisoner transportation requirements be considered during discussions related to future funding of First Nations Police Services.

Efficiency Estimate:

No specific cost reductions are related to these recommendations.

5.0 Program Delivery Structural Change

The review identified two areas where savings cannot be achieved without structural change:

1. Through the focus groups and interviews, participants agreed there are opportunities for efficiencies in better coordination of prisoner transportation between services. Duplication of effort in prisoner transportation occurs at large correctional facilities where multiple police services, the OPP and perhaps the OPP OTP have to pick-up and drop-off prisoners. Where jurisdictions overlap, it is not uncommon to have several prisoner transport vehicles from different entities operating at the same institutions at the same time.
2. As noted earlier there are opportunities to replace sworn officers with special constables in the smaller MPSs and OPP detachments that cannot be achieved without gaining economies of scale in providing security and possible prisoner transportation to traveling courts.

The key finding from the Jurisdictional Review is that none of the other jurisdictions make the police service of jurisdiction responsible for prisoner transportation or court security, except in particular circumstances. Responsibility is generally assumed by an agency independent of the police, typically a Sherriff's Office or other government agency. A frequent recommendation for improvement from workshop participants was also the transfer the responsibility for prisoner transportation from police services to another entity.

5.1 Duplication in Prisoner Transportation

Current Situation

With so many police services involved in prisoner transportation, and the OPP involved in two distinct ways, there is significant duplication of service within the prisoner transportation network. For example, at the Elgin-Middlesex Detention Centre, six different municipal police services pick-up or drop off prisoners, along with one OPP detachment. The OPP Offender Transport Program also goes to the same detention centre.

The table below provides examples of these multiple occurrences.

Table 12: Police Services at Major Correctional Facilities

Facility	Prisoner Capacity	MPS	OPP detachments	OPP OTP	Total organizations
Central East Correction Center	1184	3	3	1	7
Central North Correction Centre	1184	3	3	1	7
Maplehurst Correctional Complex	1055	5	0	1	6
Elgin-Middlesex Detention Center	450	6	1	1	8
Hamilton-Wentworth Detention Centre	560	2	0	1	3

There are instances where the various services are heading in different directions after leaving the correctional centre, however in many cases they are heading in the same direction, and in a few cases, they are actually going to the same court facility (mostly in Toronto).

The OPP OTP has indicated it can clearly identify duplication of effort and costs could be reduced by combining forces, but it cannot quantify the potential savings, and can't implement such a concept given its current mandate.

Additionally, there are many sworn police officers conducting both prisoner transportation and court security in smaller communities, and smaller services (or OPP detachments) as discussed earlier. In the larger services, there are economies of scale to accommodate hiring special constables to conduct the prisoner transportation and/or court security as the case may be. However, where courts travel and sit in individual courthouses less than full-time, the police service responsible to provide security often has to pull sworn officers from their front-line duties to perform the tasks. This is both a use of more expensive resources than required and a serious inconvenience when the sworn officers are required for patrol or other duties.

Analysis

The *Police Services Act* (and its likely successor) allow police services to purchase services from a third party. The third party could be another police service, or a new entity¹⁶ established by a group of police services to transport prisoners and/or provide court security services on their behalf. The entities could be established by agreement between all the services involved, or by agreements between the entity and each of the services individually. In many ways the MOUs between municipalities and the OPP OTP are examples of how this could work.

Such agencies would be in a position to eliminate duplication between transportation routes, implement new practices such as the use of special constables to support mobile courts and the use of contractors to conduct screening at court entrances. They would have the scale to improve services and perform them as efficiently as possible, which isn't the case with smaller police services and OPP detachments.

One large opportunity would relate to prisoner transportation in the Greater Toronto Area (GTA), or even the wider area within the Greenbelt. It would offer the opportunity to overcome the duplication in prisoner transportation and would be a good home for an IT system that would co-ordinate prisoner transportation in the most efficient fashion possible. It is unlikely to achieve additional savings on the court security side, although it may be easier to contract some of the court screening activities if the responsibility was transferred to a new entity. It may be appropriate to have a number of entities focused around each of the institutions, or to have one that would handle all prisoner transport inside the Greenbelt.

Another major opportunity would be to group smaller MPSs and/or OPP detachments that share a court that travels between locations. There are eight judicial districts in Ontario and most of them have at least some courts that do not sit regularly. It may be useful to work with the judicial districts to identify the municipalities or detachments that would have to co-operate to hire special constables to serve the mobile courts. This would provide one approach to engaging the special constables needed to transport prisoners to court and provide court security without pulling sworn officers out of front-line policing services. Although one could argue that the sworn police officers would be retained so there would not be any savings, it would delay the time when a new position is needed, and many OPP detachments already allocate many portions of an FTE to various municipalities, so savings would accrue. Allocating the court security and perhaps prisoner transportation requirements to a new entity would allow the services to provide more consistent services to their communities. Such entities might be based on the judicial districts.

¹⁶ "Entity" is a general term referring to an organization that has a mandate to carry out certain activities. The legal form of the entity would need to be established after further consideration and consultation with the stakeholders, but it could be a new corporate entity, or it could be a responsibility accepted by an existing entity on behalf of others.

The major drawback of this approach is the reliance on voluntary participation and the requirement for co-operation and continued involvement of each of the participating police services. As history with municipal amalgamation and shared services in Ontario suggests, this level of involvement and participation can be difficult to achieve, and would likely require financial incentives, perhaps treating the entities like the OPP OTP in terms of funding. This would suggest reallocating some of the CSPT TP Program funds to each of the entities.

Similar to the approach used in Alberta and B.C. special constables can be assigned to work full-time with the court. Then the special constables would travel from location to location with the rest of the court party and provide the court security required. Depending upon the local circumstances, they may also be able to assist with, or conduct, the prisoner transportation. Given the allocation of responsible for both activities to the police service of jurisdiction, this could not occur with the current structure.

The potential savings would depend upon the extent of participation in the entity, and its mandate. Largely the entities would provide an opportunity to gain the savings discussed under the sections on special constables, eliminating duplication, and using technology.

The creation of regional court security and prisoner transportation entities would have two major advantages:

1. The ability to eliminate duplication in prisoner transportation by having one party plan and carry out all the prisoner transportation related to the region.
2. The ability to provide special constables to provide basic court security for traveling courts.

Recommendation

- 10) *That the Ministry promote the development of regional entities among police services responsible for prisoner transportation and court security.*
- 11) *That regional entities have a mandate to eliminate duplication in prisoner transportation, focus on the use of special constables and contract perimeter security, alarm monitoring and entranceway screening.*
- 12) *That regional entities would use sworn police officers from the local police services when required to accommodate risk assessment conclusions. Requirements for full-time sworn police officers (e.g., as part of entranceway screening) could result in the secondment of the staff, while temporary requirements would be met by assigning staff to the duties as required.*
- 13) *That the province fund regional entity operations fully, as it does with the OPP OTP. The \$125M cap on the CSPT TP Program should be reduced by the amount of funding activities with the region concerned, for the activities transferred to the entity.*

Implementation Plan

The province should identify a group of MPS/OPP detachments that provide security for a mobile court operation that shows some support for the regional co-operative entity and provide them some support to review the opportunity and come up with a plan to support the court, with or without

prisoner transportation as the circumstances suggest. It is essential that this first implementation be successful to encourage others to follow the same approach.

Once the first regional entity is operational, the province should address duplicating it in other jurisdictions. It should also support a process to create a regional entity with a prime focus on prisoner transportation. The scale of the operation would need to be determined, e.g., a focus on an institution or on the Greater GTA, or even the area inside the Greenbelt as a whole.

Efficiency Estimate

Benefits from the use of special constables are included in the high-end estimates in that section above. The potential returns from reducing duplications in transportation are identified here.

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> Short-term 	<ul style="list-style-type: none"> Not Operational 	<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> Medium Term 	<ul style="list-style-type: none"> Not Operational 	<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> Long Term 	<ul style="list-style-type: none"> High estimate assumes at least Greater GTA entity rationalizes transportation in the highest traffic area and Northern Strategy implemented with reduced transportation needs and co-ordination of FN and OPP trips 	<ul style="list-style-type: none"> 3% to 6% of transportation costs (\$2M to \$2.9M)

5.2 Northern Strategy

Current Situation

Northern Ontario experiences many challenges that are less significant in the more populated areas of the province. There are several large cities in the north, along with many smaller remote and fly-in communities. Some of the remote and fly-in communities are Indigenous and there are significant Indigenous populations in some of the large cities. First Nations police services serve most of the Indigenous communities, the OPP provides police services to many of the other smaller and remote communities, and municipal police services serve the major population areas. Correctional facilities are located in the large cities, and the smaller, remote and fly-in communities have smaller police stations, usually with some form of detention facility, but generally not a facility that is suitable for holding prisoners for extended periods.

The north has many traveling courts that spend short periods in communities resulting in demands on local police services and the disruption of their regular policing resources.

The north also faces some unique challenges related to prisoner transportation. Before COVID-19, an arrest in a remote community often resulted in an extended trip by cruiser, or by airplane, depending on the location, to one of the large cities where the detainee would attend court for their bail hearing. If the detainee was released, they may be released without transportation back to their community. If remanded, the detainee would be placed in custody at the correctional facility. During COVID-19 there has been more effort to have the bail hearing occur in the remote community, before the prisoner is transported. However, the unreliability or absence of internet connections has resulted in many appearances by audio, rather than video. There were also circumstances where the police service was unable to arrange a virtual hearing, and the prisoner was transported to a large city even before a hearing could occur, both because of the 24-hour holding limit for police cells, and the inadequacies of cells at remote police stations.

When a trial is held, it is usually back in the community where the charge was laid. If the prisoner has been denied bail, they must be transported back to that community by the local police service – generally a two-way trip out from the community and then back. If the prisoner has been released after a hearing in the city, they may have no resources and be unable to return to their community for the trial. When the court flies in for the trial, the local police service must assign staff to provide security at the trial, which is generally not in a dedicated courthouse, but may be in an arena, community meeting hall or other facility.

Analysis

Based on the understanding of current circumstances in the north provided by interviewees, focus group participants and IPCO, there are unique challenges given the remote and fly-in communities, the extensive use of traveling courts, the long travel distances both for prisoners and court stakeholders, and the number of First Nations communities.

A Northern Justice Strategy could lead to the development of a common prisoner transportation network in the north, and the development of a court security capability that would travel with the courts, both allowing the use of lower cost special constables, and better respond to needs.

It may also be useful to respond to other needs in the north, particularly the need to transport prisoners extensive distances. This could involve improving some detention facilities in northern communities and/or developing correctional rehabilitation facilities, similar to the healing lodges developed in other provinces. This could allow some prisoners to be detained in the north pending a hearing or a trial. Such an approach would have to be developed with involvement from the OPP, Indigenous police services in the area, and the MPS serving the cities in the area.

It would also need to examine the connectivity issues in the north and identify options to ensure virtual hearings are feasible from as many police stations as possible.

The strategy could also look at establishing a WASH court that would be available by video and/or audio for hearings from these remote communities (if the province does not initiate a province-wide

facility). This could eliminate the trips from remote communities to cities that occur simply because no court could be reached.

Some of these steps may be reasonably easy to implement, others might require some development. A solution could also be based on expanding an existing service, for example the OPP OTP in Northern Ontario, or it could involve establishing a new entity with more Indigenous participation. Such agencies might operate on a regional basis. For example, part of a Northern Justice Strategy could be the creation of such an entity. The OPP OTU in the North currently serves a number of OPP detachments. The Indigenous services that operate in the north carry out similar programs, although the OPP remains the police service of jurisdiction. The municipal police services in the north might also be useful participants and they generally handle security in the fulltime courthouses, and use many of the same correction institutions as the more remote communities. One key benefit would be to reduce the need for police services to divert front-line officers to provide court security and/or prisoner transportation services. A strategy would need to develop staff appropriate to respond to the needs of Indigenous communities.

Development of a regional entity in Northern Ontario is a key cost reduction and service improvement opportunity and would need to advance from the development of a Northern Justice Strategy.

Recommendations

14) That the Ministry initiate the development of a Northern Justice Strategy.

15) That the needs of Indigenous Communities and First Nations Police Services be considered in the resolution of issues related to Northern Ontario.

Implementation Plan

SOLGEN would need to discuss the potential with key justice stakeholders in the north, including the court stakeholders, the MPS, OPP and First Nations police services and community leaders. It would be useful to establish a working group with key stakeholders and identify some resources to support the process.

The study process would involve a consultation process, both to identify all the issues to be addressed, and to identify appropriate approaches to resolving the issues.

Efficiency Estimate

Savings are available from eliminating duplication in transportation and expanding the use of special constables. Both of these items were identified earlier, and the high estimates can only be achieved if regional entities, such as a Northern Ontario CSPT entity is formed.

5.3 Independent Agency

Current Situation

The tables below provide a summary of the approach to court security and prisoner transportation in other jurisdictions. Full details on information collected from the jurisdictional review can be found in Appendix 3. The first table shows the responsibility for prisoner transportation while the second shows the responsibility for court security.

Table 13: Responsibility for Prisoner Transportation

	Ontario	Alberta	British Columbia	Quebec	Australia	New Zealand
Transportation Station to Detention						
→ Police	■	□		■	■	■
- Other		◆	◆			
Transportation Detention to Court (and back)						
- Police	■				□	
→ Other		■	■	■	◆	■

■ Yes ◆ Mostly □ Partly

As the table indicates, police are frequently responsible for prisoner transportation from the police station to a court or correctional facility. With increasing use of video for bail hearings, this usually means to a correctional institution. In BC, the RCMP transports some prisoners in remote areas, but is compensated by the Sherriff's office. For the more frequent transportation requirements between the courthouse and the detention centre, a central agency is responsible. The state authority is responsible in Australia, except in remote areas where police services generally provide the service.

Court security is generally the responsibility of an entity independent of the police (Table 14). Usually, a Sherriff's Office or other government entity. Some jurisdictions (Australia and BC) make local police services in remote areas responsible for court security.

Table 14: Responsibility for Court Security

	Ontario	Alberta	British Columbia	Quebec	Australia	New Zealand
<i>Who is responsible general security</i>						
Police of jurisdiction	■				□	
→Centralized entity		■	■	■	■	■

■ Yes ◆ Mostly □ Partly

Interviewees from other jurisdictions raised a number of advantages associated with the use of centralized agencies:

- Some suggest it is more consistent with even-handed justice.
- If a justice entity is responsible, this resolves conflict of interests with police, particularly on court security issues.
- Allows consistent security standards as one entity administers all courthouses.
- Resolves the trade-off of capital and operating costs between different entities.
- Provides greater flexibility in the movement of staff to different Courts.
- Resolves fairness issues:
 - Municipalities with courthouses do not subsidize those without them.
 - Municipalities with access to a centralized unit (OPP OTP) do not have advantages over other municipalities that fund prisoner transport.
 - Municipalities in the north or with long transportation requirements do not suffer relative to those with short transportation requirements.
 - Municipalities with inefficient courthouses from a court security point of view are not disadvantaged based on where provincial funds are invested.

The key finding from the Jurisdictional Review is that none of the other jurisdictions make the police service of jurisdiction responsible for prisoner transportation or court security, except in particular circumstances, although the BC Sherriff’s office does purchase services from police services when this is the most economic way to meet the need.

Provincial CSPT Entity

Founded upon the feedback received from representatives of central agencies in other jurisdictions reviewed, and the alignment of those findings to the issues identified in court security and prisoner transportation processes identified throughout this report, the Ministry could consider creating a

single entity with responsibility for CSPT throughout the province. This approach would be consistent with that in other jurisdictions, including all the Canadian jurisdictions examined. It would be able to achieve all the operational efficiencies discussed, including:

- Using special constables or the equivalent, for all CSPT activities where an armed presence is not necessary. The province could also create two categories of staffing, with one armed to provide the armed presence where that is considered necessary.
- Contracting entranceway screening, much as the province has contracted COVID-19 screening, and learning from the experience of police services that have contracted some courthouse security services to date.
- Tying security provision to traveling courts, eliminating the impact on front-line policing,
- Co-ordinating court security with courthouse operations, so the province can provide the level of security it determines is required (through risk assessments) and ensure consistency of approach across the province.
- Providing an alignment of interests between those responsible for capital improvements of courthouses and those responsible for security operations.
- Giving the province the incentive to minimize prisoner transportation to reduce risks and costs.

Recommendation

16) *If the development of regional entities does not achieve substantial progress within four years, the province should establish a province-wide entity with responsibility for court security and prisoner transportation. Consideration should be given to creating a new agency or having the OPP carry out the role, depending upon whether the entity would report to SOLGEN or the Attorney General. Key elements of the plan, whether part of the OPP or part of a new entity, would include:*

- *Having local MPS and OPP detachments remain responsible for transferring prisoners in their custody (e.g., from the police station to a correctional institution or a courthouse). The provincial agency could agree to conduct such transfers where the one-way travel distance is more than 50 km (far enough to require a significant resource diversion, unlikely to cover transportation within a municipality, and likely to capture those municipalities currently benefiting from OPP OTP service);*
- *Having two categories of staff, an armed category and an unarmed category;*
- *Most staff would be in the unarmed category, but the armed members would be used where a full-time armed presence is required as part of a court security plan;*
- *Reliance on the police service of jurisdiction to support high risk operations when required;*
- *Contracting entrance screening and extending it as required by risk assessments*

Implementation Plan

The province will need to conduct an examination of the alternatives (a “Sherriff” operation, or the assignment of the role to the OPP) in detail. The review would need to consider:

- The reporting relationship. A Sherriff option would report to the Attorney General and an OPP option would report to SOLGEN.
- The additional infrastructure required, under each option.
- The labour relations implications of each option.
- The costs and other financial implications of each option, taking into account the evolution of the justice system post COVID-19.
- The availability of armed officers when required.
- The transition process, and particularly the extent to which staff currently conducting court security and prisoner transportation would be transferred, or would have the option to transfer to the new entity.

There will need to be a transition plan and transition date established, with extensive consultation with the MPSs and OPP carrying out the role now.

Efficiency Estimate

Many of the benefits of this approach are not financial, however it is important to note total provincial costs could be reduced. Leaving the police service of jurisdiction responsible for the initial transport from the police station to either a courthouse or correctional institution would have them responsible for carrying a little over half the future volume of prisoners as discussed in the section on *Estimated Impacts of Virtual Hearings on Prisoner Transport*. They would be among the less economical of trips as the number transported on each trip would vary and the timing would be somewhat unpredictable. This approach would therefore leave municipalities with about 20% to 35% of pre-COVID-19 prisoner transportation volumes, or about 55% of planned prisoner transportation volumes. While this is a significant cost, it compares to the 30% of combined court security and prisoner transportation costs that police services (and their municipalities) currently bear. It would not be their only cost as they would also be responsible for the costs of converting police holding areas to accommodate virtual hearings.

	Rationale and Assumptions	Estimated Savings
<ul style="list-style-type: none"> • Short-term 	<ul style="list-style-type: none"> • Not Operational 	<ul style="list-style-type: none"> • N/A
<ul style="list-style-type: none"> • Medium Term 	<ul style="list-style-type: none"> • Not Operational 	<ul style="list-style-type: none"> • N/A
<ul style="list-style-type: none"> • Long Term 	<ul style="list-style-type: none"> • Full implementation, results in the municipalities taking responsibility for the first trip from the police station to a courthouse or correctional institution, 20% to 35% of pre-COVID transits 	<ul style="list-style-type: none"> • About 60% of forecast prisoner transportation costs would be left with municipalities as they would carry about 55% of expected trips, with slightly higher costs per trip.

6.0 Alignment to Transfer Payment Policy

6.1 Context

In June 2019, the Ontario Internal Audit Division of the Treasury Board Secretariat published its review of transfer payments managed by SOLGEN, including the CSPT TP Program. It measured compliance with the Transfer Payment Accountability Directive (TPAD) and the relevant grant agreements.

Overall, the audit found that SOLGEN's public safety grant programs were for the most part compliant with the Transfer Payment Accountability Directive (TPAD) and respective transfer payment agreements; however, to ensure that programs are delivering results and operating in an efficient and effective manner, the audit recommended that SOLGEN:

- examine a renewed funding model and or granting structure for public safety grants;
- establish program-level outcomes and performance measures for all grant programs so that performance can be assessed;
- review the level of monitoring required by recipients to make certain it is proportional to risk and recipient capacity;
- implement timely corrective action when recipients are not meeting transfer payment agreement requirements; and,
- complete risk assessments on all grant activities and recipients to ensure a risk-based approach is being used.

The CSPT TP Program has the largest portion of funding compared to other transfer payment programs managed by the Public Safety Division at SOLGEN. In particular, the audit found the rationale for funding municipalities that provide court security or prisoner transportation services to be lacking. It noted that TPAD activities should be focused on outcomes and the achievement of associated public policy objectives, arguing that the programs reviewed are funding core policing activities. It also notes that the CSPT TP Program originated as part of the 2008 negotiations between the province and municipalities. Thus, SOLGEN implemented a cabinet approved program to upload certain municipal costs to the province.

The Jurisdictional Review, as reported in Appendix 3, indicates that all other jurisdictions reviewed make responsibility for court security and prisoner transportation a provincial or, in some cases, national responsibility. In no other jurisdiction is court security and prisoner transportation a municipal responsibility (beyond special considerations for remote communities), at least beyond the initial transfer of prisoners from the police station. This relates to the corresponding provincial or national responsibility for justice, and the clear connection between court security and the transfer of

prisoners to and from the courthouse with the administration of justice. This is within the SOLGEN's priority area.

6.2 Managing Cost Effectiveness and Efficiency

Court security and prisoner transportation cannot be segregated into separate dimensions of police service, nor separate dimensions of the outcomes of the justice ecosystem. The CSPT TP Program funding model has been established as a support subsidy. Based on the document review, it was found that the program currently does not have documented goals or outcomes.

The current Transfer Payment Agreements for the CSPT TP Program indicate:

*“The Province implemented the Court Security and Prisoner Transportation (CSPT) Program (the “Program”) in 2012 to assist municipalities in **offsetting** their costs of providing CSPT services in their jurisdictions.”*

This study did not review the need or relevance of the CSPT TP Program, nor the justification for SOLGEN to be intervening and funding court security and prisoner transportation activities through the formal agreement with municipalities. The Ministry does however have public sector accountability to ensure CSPT TP Program funds are used as intended. This includes demonstration of how resources were used in the realization of outputs and outcomes, and whether the extent of resource utilization was reasonable for the level of outputs and outcomes observed.

Recent research conducted by Public Safety Canada entitled, “Measuring the performance of Police: The Perspective of the Public,”¹⁷ found that there are a number of dimensions of police work that can be used when setting up a framework to measure the performance of police.¹⁸ There is not one single performance measure that can assess all of the dimensions of police work at the same time; neither is there one perfect measure that can assess a single dimension of police work (Gallagher et al, 2001). The measuring instrument needs to be chosen depending on the dimension that needs to be measured.

In the case of the CSPT TP Program, there is a concern that the grant program does not adequately encourage or reward financial efficiency and cost reduction. The Public Safety Canada report found that an efficiency dimension of performance relates indirectly to police work in that the public expects the police to do their work in an efficient and economically sustainable manner. Just as in any other public or private organization, waste of resources within police departments is usually met with public disapproval.

¹⁷ Public Safety Canada, Research Division, Measuring the Performance of the Police: The Perspective of the Public, Research Report: 2015-R024

¹⁸ Kiedrowski, J., Petrunik, M., Macdonald, T., Melchers, R. (2013). “Canadian Police Board Views on the Use of Police Performance Metrics” Ottawa: Public safety Canada, # PS14-12/2013E. 53 pages.

The measurement of efficient police performance receives the least amount of attention because it is not seen as a primary output of police work. Further, the measurements are not straightforward because it can be complicated to set benchmarks for what constitutes efficient spending. For example, large police jurisdictions could be spending more in all areas of police work because they deal with larger or more complex problems. Similarly, one jurisdiction may have to transport prisoners longer distances and/or have a different risk level, requiring different service levels. One approach to measure police performance in this area is to look into the innovative approaches that police take to spending: new economical ways to utilize officers, use of technology, innovative scheduling methods, etc.¹⁹

In this sense, the CSPT TP Program can initially focus on performance indicators targeted towards resource utilization. This can provide insight to what and how resources are being used and possible other contextual factors that affect the resources being used.

Through the document and data review completed for this study, the performance indicators identified below may be considered by the CSPT TP Program as a start to its formal performance measurement strategy. The current CSPT TP Program transfer payment agreement stipulates that recipients only need to provide annual financial reports. Further work will be required to define an outcome pathway, in collaboration with municipal stakeholders, that will allow SOLGEN to track program outcomes.

An initial perspective of efficiency would be largely concerned with how inputs are being used and converted into outputs, and the extent to which outputs have been optimized in relation to resources used to produce them (i.e., the extent to which the minimum number of resources have been used (contextualized of course).

It is possible that an operational efficiency perspective may actually suit information needs of the Ministry. The following table presents options for measuring operational efficiency and economy.

¹⁹ Public Safety Canada, Research Division, Measuring the Performance of the Police: The Perspective of the Public, Research Report: 2015-R024, page 15.

Table 15: Performance Indicators for Implementation Efficiency

Output Indicator	Source	Rationale	Methodology
<p>Quantitative:</p> <p># of FTEs assigned to court services and transit services broken out by CS and PT and by:</p> <ul style="list-style-type: none"> ■ Sworn police officers ■ Special constable versus all other police officer ranks ■ Contract staff versus all other police officer ranks ■ Other civilians 	<p>MPSs and OPP Annual Report for the CSPT TP Program (new instrument to accompany the Template for Annual Financial reporting)</p> <p>Statistics Canada Annual Police Administration Survey</p>	<ul style="list-style-type: none"> ● The use of special constables for court services and transit services has been shown to reduce cost (at least when scale warrants) and the use of contractors for courthouse entrance screening has been shown to reduce costs. ● The Ministry can track changes over time in the proportion of special constables and contractors being engaged to perform court security and transit services with the expectation that proportions will increase (target set by the Program in future). ● Police services are providing the special constable data to Statistics Canada so the additional burden to collect information will be minimal. 	<ul style="list-style-type: none"> ● The question should be worded to align with the Annual Police Administration Survey conducted by Statistics Canada Permanent special constable personnel question (#4 in the 2019 survey), particularly in the way FTEs are measured so comparisons can be made. ● The Ministry can consider a number of possible analysis scenarios: <ul style="list-style-type: none"> ■ Comparisons across MPSs in Ontario. ■ Comparisons nationally to Statistics Canada data in order to understand trends in the use of special constables (tested first as many provinces do not employ the same model as Ontario).
<p>Quantitative:</p>	<p>MPS and OPP Annual Report for</p>	<ul style="list-style-type: none"> ● While recognizing a number of external influencers to video and audio appearances, MPSs and 	<ul style="list-style-type: none"> ● Analyze trends in proportion of first appearance by video and audio.

Output Indicator	Source	Rationale	Methodology
<p>% (proportion) of first appearances conducted by video from the police station. Broken down by:</p> <ul style="list-style-type: none"> ■ Video ■ Audio 	<p>CSPT TP Program (new instrument)</p> <p>Or</p> <p>Ontario Court of Justice Criminal Court Statistics if available</p>	<p>OPP should attempt to maintain reduced levels of in-person first appearances (i.e., all first appearances from a police station as influenced by COVID-19).</p> <ul style="list-style-type: none"> ● The Ministry will be able to track the rate at which video appearances are increasing or decreasing, possibly an early indicator that environments are regressing towards pre-COVID-19 levels. The Ministry could then trigger an increase in change management intervention or conduct additional investigation to understand the change in activity. ● In future, as the video strategy is rolled out, targets can be set. 	<ul style="list-style-type: none"> ● Compare trend in proportion of first appearance by video and audio to trend in cost of transportation e.g., % increase in first appearance by video and audio versus assumed % decrease in transportation cost.
<p>Quantitative:</p> <p># of prisoners transported</p>	<p>MPSs and OPP Annual Report for CSPT TP Program (new instrument)</p> <p>Ontario Court of Justice Criminal Court Statistics</p>	<ul style="list-style-type: none"> ● While this indicator is not perfect (e.g., not accounting for multiple prisoners transported at the same time), it can provide the Ministry with some insight to operational efficiency (relationships between resources and outputs). 	<ul style="list-style-type: none"> ● Program output index: gross annual prisoner transportation costs ÷ annual number of prisoners ● Analyze relationship between # of prisoners transported and number of cases received and pending in court. Expectation that there should be some correlation between the two variables. As cases go down (particularly major crimes, the number of in-person appearances would also go down, decreasing

Output Indicator	Source	Rationale	Methodology
	(Offence Based Statistics)	<ul style="list-style-type: none"> • The court security and prisoner transportation costs are already provided in the current annual financial reports and can be broken out by PT and CS • Offence Based Statistics are already broken down by region. Alignment can be determined by (court) or comparisons made within a region. 	<p>the number of prisoners transported). Initial bivariate analysis should be completed to ensure the validity of this indicator.</p> <ul style="list-style-type: none"> • Potential to compare decreasing costs with decreasing numbers reported for average appearances to disposition (this is the average of all appearances from the first to last court appearance). Assessment likely required against offence type. • A breakdown by ground versus air will be required for service in the north. Context and environment for activities where prisoners are mainly transported by air will need to be considered and balanced.
<p>Quantitative:</p> <p>Annual ground kilometers travelled for all prisoner transportation conducted</p>	MPS and OPP Annual Report for CSPT (new instrument)	<ul style="list-style-type: none"> • OPP OTP already collects this data. • Assume that longer distance equates to greater cost but this indicator can contribute to validate or disprove assumptions. 	<ul style="list-style-type: none"> • Program output index: gross annual prisoner transportation costs ÷ annual prisoner transportation kilometres travelled • Possibility to compare MPS with similar environments in order to promote consistency in delivery (if best practices are found). • Will need to factor differing cost environments across the province (e.g., cost of gas per litre). • Breakdown by ground versus air will be required for service in the north. Will need to factor in proportion of ground versus air in cost breakdowns.
<p>Qualitative:</p> <p>Identification of annual budget efficiencies proposed in relation to</p>	MPS and OPP Annual Report for CSPT TP Program (new instrument)	<ul style="list-style-type: none"> • Municipal Police Service Boards approve and publish MPS operational budgets which typically detail cost saving 	<ul style="list-style-type: none"> • Analysis of efficiencies implemented to identify best practice for potential dissemination to other MPS or OPP for consideration.

Output Indicator	Source	Rationale	Methodology
court security and inmate transportation.		measures proposed by MPSs. The Ministry could request a summary of cost-saving measures being implemented by a MPS in relation to court security and prisoner transportation on an annual basis. This would set an expectation that the continuous review for efficiencies is expected.	<ul style="list-style-type: none"> Requires coding of qualitative data for the identification of consistent or innovative activities.
Qualitative: Identification of rationale for increased costs	MPS and OPP Annual Report for CSPT TP Program (new instrument)	<ul style="list-style-type: none"> An alternative approach to providing incentives for cost reductions might be to require municipalities to justify their expenditure level as expenditures rise under the new normal. The justification could require an explanation of why the approach taken is the lowest cost available, and/or a certification that the approach follows “best practices” (such as use of special constables, for prisoner transport and most court security and use of contractors for screening at entrances, monitoring alarm systems and any WASH patrolling). 	<ul style="list-style-type: none"> Analysis of reasons for increased costs to understand changing environment and determine if there are supports available to mitigate. Requires coding of qualitative data for the identification of common issues or regional problems.

Recommendation

17) SOLGEN should formally develop a Performance Measurement Framework (PMF) for the CSPT TP Program collaboratively with program recipients and stakeholders. The PMF must define objectives and expected results (outcomes). In order to meet the requirements of the Transfer Payment Policy, at minimum, the PMF must focus on outputs and/or intermediate outcomes for activities in order to determine how success will be evaluated. The PMF needs to define expected short, medium and long-term outcomes. Subsequent to the results definition, the Ministry should implement a systematic collection of performance data, which would make it possible to link the funding to the achievement of results, measure progress to targets, further pursue analysis of certain issues and to make changes to the program as required.

6.3 Options to Maintain Necessary Financial Accountability

A Risk-Based Approach is Best

Risk-based assessment approaches in policing have a long-standing history as best practices in the published literature. A study in the National Institute of Justice Research Preview²⁰ identifies that a risk assessment should be an integral part of a comprehensive survey of courtroom security and the transportation of prisoners to determine security vulnerabilities and equipment and training needs.

In Ontario, the current Policing Standards Manual's section on Court Security includes a Court Security Tool to identify security needs in each individual courthouse for which the police service of jurisdiction is responsible. This assessment covers critical incidents, the nature of cases, personnel and procedures, emergency planning and physical assessment.

The 2019 Ontario Internal Audit Division audit also found that SOLGEN should use a risk-based approach to review the activities of grant recipients.

Opportunities for the Ministry

- Police services could be required to submit the risk assessments conducted for court security and activities in place today (as the baseline), and then again whenever it changes. The Ministry could then undertake a qualitative assessment of annual costs versus risk.
- To date, SOLGEN has not assigned a risk rating to CSPT transfer payment recipients in receipt of less than \$500K. As well, it does not appear to have audited or reviewed the funded activities of any of the grant recipients. It should be noted that about half of recipients

²⁰ National Institute of Justice Research Preview, Court Security and the Transportation of Prisoners, June 1997.

surveyed did report that they had been audited or reviewed since 2015, but those audits or reviews were conducted internally by the police service, or by the municipalities that provide the majority of police funding. A risk assessment should be completed by the Ministry for all grant recipients and a risk-based review or audit test of 10% of applications (randomly selected, with higher probability of selection for higher risk recipients and materiality) should be conducted annually. Possible criteria for review could be:

- Annual financial and performance reporting received on time.
- Expenses reported meet program guidelines.
- Meeting service standards for payment.
- Financial reports are being signed by a person with an adequate level of authority.
- Funding agreements are being signed by the appropriate delegate.
- Select audits of eligible activities (as identified in the master TP agreement).

Transfer Payment Delivery

The CSPT TP Program is paid based on expenditures incurred two years earlier. Therefore, in 2021 recipients will be paid based on their expenditures in 2019. As a result, a municipality that reduces expenditures (as most will in 2021 due to COVID-19 if not as a result of implementing cost reduction measures in 2021) will not receive any reduction in its grant, at least not until 2023. At that time, their grant will be reduced by 70% of the cost reduction, which could be seen as a disincentive to reduce costs. Some stakeholders also pointed out that increasing expenditures, perhaps to meet a request from courthouse stakeholders for new security activities, will not be covered by any increase in grant payments until 2023 either. That means the entire cost of new expenditures is born by the police service (or municipality) for the first two years, which is a clear **disincentive** to increasing expenditures.

This could be resolved by allowing some kind of “amendment” process before the final payment. Applicants could be allowed to submit an amendment if their activities changed over the course of the year in such a manner as to increase or decrease expenditures by more than, say, 10% of their base year (two year ago) expenditures. Their share of the grant would then be adjusted on the final payment to take into account the change. The process would have to include an amendment to the following year’s grant to recognize the change, and similarly going forward. The process would add significant complexity both to the recipients and to the SOLGEN grant administration. It is very likely recipients would report increases in expenditures (and enhance their grant eligibility) but not decreases, so the effect would be to reduce the impact of new expenditures, but it would not encourage cost savings. It would likely also raise concern among municipalities that received a reduced allocation (the \$125M being a fixed amount) in order to accommodate a higher payment to another municipality.

COVID-19 changes will significantly alter actual expenditures in calendar year 2020 and presumably the effect on expenditures will continue into 2021. This is a period where substantial cost reductions could have been achievable, but many police services have followed the federal

government’s encouragement to keep people on salary as much as possible, reassigning staff, and reducing part-time hours when feasible. The “new normal” that will emerge in 2021 and 2022 is an area where encouragement to cut expenditures, or minimize the growth in expenditures (assuming they dropped in 2021) could be effective.

The two-year delay in implementing the grant will reduce the impact, but also make it easier to introduce changes. Although police services may reassign their staff to activities like monitoring video appearances from police stations, many of these activities will not qualify as CSPT TP Program expenditures, even when they are substitutes for qualifying expenditures. The result could be a very substantial decrease in qualifying expenditures, even when staffing levels do not decrease substantially.

One way to make the grant provide immediate support to improved security measures that increase costs (e.g., adding screening) would be to convert the grant to a fixed percentage of actual expenditures. This could occur in 2023 when the “post-COVID-19” world has emerged. As indicated in the financial analysis, this percentage could be as much as 100% if the use of virtual hearings is retained for most hearings, however this does not align with SOLGEN priorities, as it does run a risk of expanding expenditures beyond \$125M. It would also be difficult to reward cost reduction, unless a “bonus” beyond actual costs was provided to police services that identified specific cost reduction initiatives they had implemented.

When the grant was initially designed, stakeholders considered a range of alternative ways to allocate funds – by population, by numbers of prisoners transported or number of courthouses, etc. All these options have flaws and all stakeholders, municipalities, police services and representatives of the Ministries involved selected the approach based on actual expenditures instead.

Recommendation

18) A change in the approach to allocating funding under the CSPT TP Program is not recommended at this time, except as outlined in the other recommendations to incent cost reductions.

7.0 Summary of Financial Implications

The tables below summarize the forecast financial impacts that may occur due to the expansion of virtual hearings and the other changes recommended in this report. All tables assume 2% average inflation per year. The CPI for Ontario went up 2.1% in 2019, .7% in 2020 (influenced by COVID-19). Some collective agreements call for more than 2%, however the recently lower inflation rate is likely to constrain future agreements. The other assumptions are as discussed in the earlier sections.

The table below shows the costs of court security and prisoner transportation in the next three years assuming pre-COVID-19 conditions, and all costs inflating by 2% per year.

Table 16: Future CSPT Costs With No Changes

	Pre-COVID-19 (000s)	2022 (000s)	2023 (000s)	2024 (000s)
MPS (2019)	165,274	175,390	178,898	182,476
OPP Detachments (2019)	7,583	8,047	8,208	8,372
OPP OTP (2020) Adult	17,267	17,965	18,324	18,691
OPP OTP (2020) Youth	6,690	6,960	7,099	7,241
Total Costs	196,814	208,362	212,530	216,780
Costs will be carried by:				
Municipalities	47,857	58,437	62,106	65,848
SOLGEN	142,267	142,965	143,324	143,691
MCCSS	6,690	6,960	7,099	7,241

Assuming inflation is the prime driver of program costs, the provincial share of total costs will increase modestly, comparing the 2024 projection to pre-COVID-19 levels:

- 1.0% for SOLGEN; and,
- About 8% for MCCSS over the implementation period.

On the other hand, municipalities will see a 37.6% increase as they are responsible for most costs increases due to the SOLGEN contribution limit of \$125M towards the CSPT TP Program.

Phase 1 implementation of the recommendations related to efficiency and effectiveness will have the following effects – as discussed in each of the short-term opportunities described in relevant sections earlier.

Table 17: Phase 1 Implementation

	Court Security		Prisoner Transportation	
	Low Impact (000s)	High Impact (000s)	Low Impact (000s)	High Impact (000s)
Base Cost	128,406	128,406	79,956	79,956
Effect of Virtual Appearances	(6,420)	(12,841)	(15,991)	(23,987)
Special Constables	(30)	(160)		
Use of Contractors	(400)	(1,000)		
Expanded Screening	400	800		
Net Cost	121,956	115,205	63,965	55,969
Costs will be carried by:				
Municipalities	30,111	21,529	10,870	7,199
SOLGEN	91,845	93,677	47,527	43,899
MCCSS	-		5,568	4,872

The major impact will be the effect of the expansion of virtual hearings, relative to 2019. With the current funding approach, the major cost reductions would benefit the municipalities, potentially reducing their costs to or below 2019 levels.

Phase 2 implementation of the recommendations related to efficiency and effectiveness will have the following effects – as discussed in each of the medium-term opportunities described in relevant sections earlier.

Table 18: Phase 2 Implementation

	Court Security			Prisoner Transportation	
	Low Impact (000s)	High Impact (000s)		Low Impact (000s)	High Impact (000s)
Base Cost	130,974	130,974		81,555	81,555
Effect of Virtual Appearances	(13,097)	(19,646)		(16,311)	(32,622)
Special Constables	(120)	(160)			(40)
Use of Contractors	(1,000)	(4,000)			
Expanded Screening	800	1,600			
Net Cost	117,557	108,768		65,244	48,893
Costs will be carried by:					
Municipalities	27,107	13,304		10,355	4,116
SOLGEN	90,449	95,464		49,210	40,521
MCCSS	0	0		5,679	4,256

In Phase 2, continued expansion of virtual hearings and some additional economies related to staffing may reduce the costs of both municipalities and SOLGEN depending primarily upon the extent to which the volume of prisoner transportation declines, and costs decrease with them.

Phase 3 implementation of the recommendations related to efficiency and effectiveness will have the following effects – as discussed in each of the long-term opportunities and the structural changes described in relevant sections earlier.

Table 19: Phase 3 Implementation

	Court Security		Prisoner Transportation	
	Low Impact (000s)	High Impact (000s)	Low Impact (000s)	High Impact (000s)
Base Cost	133,594	133,594	83,186	83,186
Effect of Virtual Appearances	(13,359)	(20,039)	(16,637)	(33,275)
Special Constables	(120)	(160)	(120)	(320)
Use of Contractors	(1,000)	(4,000)		
Expanded Screening	1,200	2,400		
Scheduling Software			(664)	(1,988)
Reduced Duplication			(1,973)	(2,856)
Net Cost	120,314	111,795	63,792	44,752
With Regional Entities costs will be carried by:				
Municipalities	28,6734	13,795	10,486	3,801
SOLGEN	91,580	98,000	47,753	37,055
MCCSS	0	0	5,553	3,896
With Province-wide Entity costs will be carried by:				
Municipalities	-		38,275	26,851
SOLGEN	120,314	111,795	19,964	14,005
MCCSS			5,553	3,896

The net costs for SOLGEN under the various options would be as follows:

Table 20: Net Costs to SOLGEN

	Pre-COVID-19	Short Term	Medium Term	Long Term /Entities	Long Term/ Provincial
No Change	142,267	142,965	143,324	143,691	
Low Impact		139,372	139,659	139,333	140,278
High Impact		137,575	135,986	135,055	125,800

The net costs to municipalities would be as follows:

Table 21: Net Costs to Municipalities

	Pre- COVID-19	Short Term	Medium Term	Long Term /Entities	Long Term/ Provincial
No Change	47,857	56,546	62,106	65,848	
Low Impact		40,891	37,462	39,220	38,275
High Impact		28,727	17,420	17,596	26,851

Without any change in policy, direction, or prisoner volumes due to COVID-19, SOLGEN costs will remain essentially static. The \$125M contribution to the CSPT TP Program will remain constant, and the only impact would be inflation on the OPP OTP costs. On the other hand, municipal costs will continue to rise going from \$47.9M to \$65.8M as municipalities take on almost the full burden of increasing costs.

Recognizing the impact of virtual appearances and the potential cost reduction opportunities identified, provincial costs are forecast to be \$3.5M to \$5M lower in 2022, the short term. With the fixed \$125M SOLGEN contribution, municipal costs could reduce by \$7M to \$19M by 2022, rather than increasing by \$9M. However, the reduced municipal cost for court security and prisoner transportation does not consider the increased costs municipalities will bear due to the need to create virtual capacity at police station cells and to supervise virtual hearings.

In the medium term (2023), SOLGEN costs could go down by another \$2.5M, while municipal costs could decrease by another \$3M to \$11M depending upon whether the low impact or high impact changes occur. Again, there is no consideration of the increased costs municipalities will bear to accommodate virtual hearings.

In the long term, SOLGEN costs would be \$3M to \$7M lower than they were pre-COVID-19 in the long run if regional entities were created to reduce the costs of CS and PT. There is some risk in having those entities created successfully, which could result in some further spending to provide the incentives to form the entities, but these expenditures would not be large. Municipal costs would remain more or less the same as they were in the medium term, with the additional economies off-setting the effects of inflation.

If the province chooses to take responsibility for CS and PT (other than the first transfer from a police station to a correctional institution), provincial costs could be \$3.5M to \$13M lower than under the regional entity option, or \$6M to \$20M lower than they were pre-COVID-19. Municipalities would see their costs \$5M to \$18M lower than the \$47.8M cost pre-COVID-19. Note that municipalities would also have the cost of accommodating virtual hearings at police stations. This approach would also provide the province more control of costs and security levels so it would be better able to influence whether the low or high impact scenarios become true.

8.0 Summary of Recommendations

As recommendations were elaborated in connection with the detailed rationales and evidence presented throughout the report, a summary of all recommendations is presented here.

- 1) *SOLGEN should work with all justice stakeholders (justices, crowns, defense counsel, court administrators, police services) to ensure the “new normal” that emerges after COVID-19 minimizes the transport of prisoners, and maximizes the use of virtual appearances for pre-trial hearings. This will require:*
 - *Establishing a standard of practice for using virtual hearings for pre-trial hearings that do not have extenuating circumstances.*
 - *Continuing to install video capacity in correctional institutions and courthouses with a view to accommodating both the hearings themselves and communications between prisoners and their counsel and relevant support agencies.*
 - *Encouraging police services to upgrade their detention facilities to incorporate the capacity for virtual bail hearings.*
 - *Improving access to virtual weekend and statutory holiday (WASH) courts throughout the province to eliminate the need to transport prisoners before a First Court Hearing.*
- 2) *The MPS that use full-time sworn police officers rather than special constables for prisoner transportation and/or court security should convert to use of special constables.*
- 3) *In 2024 Implement \$40,000 CSTP PT grant reductions per FTE for police services that only use sworn police officers for prisoner transportation or courthouse entrance screening (should not apply to police services who use a limited number of sworn officers as well as special constables).*
- 4) *The OPP OTP continue to reduce its “refusals” to transport prisoners whenever possible.*
- 5) *Encourage police services using special constables (currently 83% of MPSs and 30% of OPP) to conduct screening at courthouse entrances through contracting the screening operations. The contract should require the training of contract staff and specifications of responsibilities to respond to direction from the MPS (or OPP) courthouse security personnel. The screening area should retain an armed sworn police officer presence when warranted by risk assessments.*
- 6) *Screening at entrances to courthouses should continue to be expanded as risk assessments identify requirements.*
- 7) *Police services should remain responsible for establishing security levels (and determining when and where screening will be added) unless*
 - *The province accepts responsibility for the cost of increasing security levels.*
 - *Court security and prisoner transportation costs drop below \$125M so the full cost is funded by the province.*
 - *Funds are available for transfer from CSPT TP Program payments reduced as a result of a decision to contract screening.*

- 8) *The Ministry could pursue the potential to integrate a software initiative with court administration and court security requirements. Implementing a new software solution should reduce costs, but it would take some time, and the potential savings would need to be more precisely identified.*
- 9) *That the Ministry ensure that the appropriate funding levels for prisoner transportation and court security are specifically and clearly addressed in the next round of funding discussions with First Nations police services.*
- 10) *That the Ministry promote the development of regional entities among police services responsible for prisoner transportation and court security.*
- 11) *That regional entities have a mandate to eliminate duplication in prisoner transportation, focus on the use of special constables and contract permitter security, alarm monitoring and entranceway screening.*
- 12) *That regional entities would use sworn police officers from the local police services when required to accommodate risk assessment conclusions. Requirements for full-time sworn police officers (e.g., as part of entranceway screening) could result in the secondment of the staff, while temporary requirements would be met by assigning staff to the duties as required.*
- 13) *That the province fund regional entity operations fully, as it does with the OPP OTP. The \$125M cap on the CSPT TP Program should be reduced by the amount of funding activities with the region concerned, for the activities transferred to the entity.*
- 14) *That the Ministry initiate the development of a Northern Justice Strategy.*
- 15) *That the needs of Indigenous Communities and First Nations Police Services be considered in the resolution of issues related to Northern Ontario.*
- 16) *If the development of regional entities does not achieve substantial progress within four years, the province should establish a province-wide entity with responsibility for court security and prisoner transportation. Consideration should be given to creating a new agency or having the OPP carry out the role depending upon whether the entity would report to SOLGEN or the Attorney General. Key elements of the plan, whether part of the OPP or part of a new entity, would include:*
 - *Having local MPS and OPP detachments remain responsible for transferring prisoners in their custody (e.g., from the police station to a correctional institution or a courthouse). The provincial agency could agree to conduct such transfers where the one-way travel distance is more than 50 km (far enough to require a significant resource diversion, unlikely to cover transportation within a municipality, and likely to capture those municipalities currently benefiting from OPP OTP service);*
 - *Having two categories of staff, an armed category and an unarmed category;*
 - *Most staff would be in the unarmed category, but the armed members would be used where a full-time armed presence is required as part of a court security plan;*
 - *Reliance on the police service of jurisdiction to support high risk operations when required;*

- *Contracting entrance screening and extending it as required by risk assessments*

17) SOLGEN should formally develop a Performance Measurement Framework (PMF) for the CSPT TP Program collaboratively with program recipients and stakeholders. The PMF must define objectives and expected results (outcomes). In order to meet the requirements of the Transfer Payment Policy, at minimum, the PMF must focus on outputs and/or intermediate outcomes for activities in order to determine how success will be evaluated. The PMF needs to define expected short, medium and long-term outcomes. Subsequent to the results definition, the Ministry should implement a systematic collection of performance data, which would make it possible to link the funding to the achievement of results, measure progress to targets, further pursue analysis of certain issues and to make changes to the program as required.

18) A change in the approach to allocating funding under the CSPT TP Program is not recommended at this time, except as outlined in the other recommendations to incent cost reductions.

Appendix 1: List of Stakeholder Interviews

Stakeholder or Partner
1. Association of Municipalities of Ontario (AMO)
2. Institutional Services
3. Public Safety Division
4. SOLGEN Finance
5. Indigenous Justice Division
6. Municipal POA Courts
7. Ontario Association of Chiefs of Police
8. Ontario Association of Police Services Boards
9. OPP – OTP
10. OPP – Finance
11. Ministry of Children, Community, and Social Services
12. Indigenous Police Chiefs of Ontario (IPCO)
13. Criminal Law Division
14. Multiple via Survey
16. Judiciary
17. Court Services Division
18. Ontario Video Strategy/ Justice Video Strategy
19. Owen Sound Police Services

Appendix 2: List of Workshops Participants

Group	Date	Participants
Indigenous Police Chiefs of Ontario (IPCO)	December 7, 2020	<ol style="list-style-type: none"> 1. Wikwemikong Tribal Police Service 2. Treaty 3 Police 3. Nishnawbe Aski Police Service (NAPS) 4. Treaty 3 Police
“Big 10” Municipalities	December 10, 2020	<ol style="list-style-type: none"> 1. Halton Regional Police 2. Halton Regional Police 3. Peel Regional Police 4. Ottawa Police Service 5. London Police Service 6. York Regional Police 7. Niagara Regional Police 8. Durham Regional Police 9. Waterloo Regional Police 10. Windsor Police Service 11. Hamilton Police Service
Toronto Police	December 9, 2020	
Small/Medium size Police Services	December 14, 2020	<ol style="list-style-type: none"> 1. South Simcoe Police Service 2. Chatham-Kent Police Service 3. Kawartha Lakes Police Service 4. Brockville Police Service 5. Brockville Police Service 6. Peterborough Police Service 7. Thunder Bay Police Service 8. Gananoque Police Service 9. Woodstock Police Service 10. Cornwall Police Service 11. Cornwall Police Service
OPP Detachments	December 15, 2020	<ol style="list-style-type: none"> 1. Bancroft 2. Orillia 3. Upper Ottawa 4. Quinte West 5. Lennox and Addington 6. Offender Transportation Program 7. West Parry Sound 8. South Bruce

Appendix 3: Jurisdictional Comparator Review Report

This jurisdictional comparative study was conducted to support the review of the Ontario Ministry of the Solicitor General's Court Security and Inmate Transportation Program. The following sections provide an overview of the information gathered through the analysis of various jurisdictions in Canada and abroad. The objective of the jurisdictional review was to understand how other jurisdictions financially support and operationalize prison transportation and court security functions. Comments in this section are generally as expressed by the interviewee and have not been tested or confirmed. The details of each jurisdiction are presented followed by summary comparison tables.

1. Alberta

Contacts: Deputy Chief Marcia Gonder and Superintendent Aaron Coon

General Information

In Alberta, the Alberta Sheriff has the mandate to provide court security in all court buildings and is responsible for the transportation of all offenders pre- and post-sentencing. Sheriffs are governed by the Alberta Peace Officer Act and the organization carries out a number of roles beyond court security and prisoner transportation.

The organization is currently comprised of five Divisions:

- Courts and Prisoner Transport;
- Communications;
- Surveillance;
- Highway Patrol; and,
- Fish and Wildlife.

There are approximately 1,150 sworn peace officers – 424 of those assigned to Courts and Prisoner Transport. The all-in cost for a Sheriff is approximately \$110K (compared to about \$160K for an RCMP constable). The province is divided into two operational divisions – North and South. Recently, the Courts and Prisoner Transport sections have been more clearly divided to recognize the different business lines associated with their functions. Most Sheriffs are armed although about 10 Sheriffs operate under a different classification and only carry pepper spray and handcuffs.

There have been a number of reviews since 2003 that redefined the service delivery model. The Alberta Sheriff assumed more responsibilities over the years from the Royal Canadian Mounted Police (RCMP) in prisoner transport and they moved away from an integrated Traffic Unit with the RCMP to create a stand-alone unit.

The Alberta Sheriff has recently delineated Court Security and Prisoner Transport to better meet the needs of their clients. They have also recognized that Court needs are different than Law Enforcement needs and there is a requirement to continue building out their service delivery model to recognize varying conditions that are mainly focused on supporting 24x7 needs of law enforcement.

Funding is provided by the Provincial Government under the Solicitor General and the Alberta Sheriff do not receive funds from the police services they serve.

Court Security

The Alberta Sheriff is responsible to provide Court Security which includes perimeter, buildings, courtrooms and holding facilities. Its mandate also includes smaller circuit court temporary locations, although these locations are not a legislated responsibility. Although not legislated, it falls under the Sheriff's Mandate.

The Court Security model has been in place for many years and not many changes have taken place. With the introduction of magnetometers and screening checkpoints in certain Court buildings, the Alberta Sheriff has contracted "The Commissionaires" to perform these security functions.

In larger Courts, a dedicated unit of Sheriffs is present to provide overall security including perimeter security, building security and courtroom security. Sheriffs also are responsible for any holding facilities located in a Court Building. In smaller courthouses, Sheriffs are brought in to cover when there is Court in session. In remote areas, the prisoner transport Sheriff will also act as Court Security.

All newly hired Sheriffs attend a 15-week induction training program. This program would be comparable to other policing programs, with the exception of the duration and learning regarding policing roles. Sherriff's will receive additional training before being assigned to roles other than CS and PT.

Staff are deployed throughout the province at Base court locations and provide security services to the regional circuit courts when open.

- Base Court (provincially) – Total of 21 location (including Edmonton/Calgary)
- Circuit Courts (provincially) – Total of 52

The interview respondent noted that the model works well. The judiciary is demanding and their expectations often impact the effective deployment of resources.

Court Security Staffing: 424 full time employees in total consisting of:

- Perimeter Sheriff (SST1): These Sheriffs are unarmed and only provide support to contracted Commissionaires; screening the general public entering the Courthouse. They only utilize these Sheriffs in major centres where they see a significant volume of public entering.
- Jury Officers (SST1): These officers are not 'peace officers' and only provide support to the Judiciary during jury trials. They remain with the jury throughout the process, from selection to trial, this is to ensure the integrity of the jury trial processes.
- Communications Officer (SST1): these members are civilian and provide dispatch services and logistics planning for prisoner transport. All stakeholders requesting prisoner transportation services submit their requests directly to these officers to have offenders moved.
- Intelligence Officers (SST3): these members are Peace Officers but work with the Communications Officer on screening prisoner transport requests for intel and security for the Sheriffs conducting the service.
- Judicial Security Officer (SST3): These officers provide close security protection to the senior levels of Judiciary. This includes driving and escorting these members of the Judiciary while working in their roles (not outside of business hours). These Sheriffs are not in uniform (but still armed) and provide covert security to these key stakeholders.
- Sheriff (SST3): These are armed Sheriffs who are assigned to courtroom security, cellblock security and to facilitate prisoner transportation services. This is the primary group of Sheriffs assigned to program areas and provide the majority of the service delivery to stakeholders. (Approximately 360-370 uniformed members).
- Sheriff Sergeant (SST4): These are uniformed supervisors that work in operations and oversee the unit staffing. This includes day to day operations, time management for staff and are primary point of contacts for stakeholders.

Note: other Sheriffs performing other tasks have different training and compensation levels, consistent with the requirements of their tasks.

Prisoner Transport

The Alberta Sheriff has a provincial centralized hub call centre that coordinates all prisoner transports across the province. They have set regular routes that are established in order to maximize the ability to pick up prisoners from all pickup points. "It operates like UPS except it's for prisoners". Their longest run is approximately 1,200km. They will share the run between the North and South Divisions. The split is approximately 50/50 for urban short vs long runs. They are responsible to transport all prisoners pre-sentence during their regular hours of operation Monday to Friday. The police of jurisdiction is responsible for all prisoner transportation during off hours. Municipal Police Services are not compensated by the province for any resulting prisoner transportation costs.

Sheriffs also have the mandate to transport prisoners between five Federal and 11 Provincial correctional institutions. They utilize large capacity prisoner buses to facilitate transports. This mitigates costing and the need for large amounts of staff to provide services.

Sheriffs have gradually been assuming more prisoner transportation responsibilities across the province, including functions previously performed by the RCMP.

There have been some negotiations with Municipal Police Services (Edmonton and Calgary) to extend more than the “basic” service currently being provided and to design a service delivery that better meets the needs of police services (e.g., 7 X 24). The approximately \$1.5 million in additional costs incurred by the Sheriffs to expand services would potentially be funded by municipal police services requesting this enhancement.

Sheriffs do approximately 50,000 prisoner transports per year; on average 220 per day. Its capacity has dropped by 50% since COVID 19 due to restrictions being imposed from Health and Safety on transport vehicles and the reduction in the number of prisoners requiring transport because of enhanced release procedures by Police.

Some Sheriffs are assigned to fixed transportation which includes fixed scheduled runs to the following stakeholders:

- Provincial Corrections;
- Federal Corrections;
- RCMP (province wide); and,
- Municipal police, basic services (Monday-Friday) with a potential for future cost paid service (this has only been discussed, not implemented).

These Sheriffs also provide support to Out of Province Escort teams and travel across the country to return offenders being held in other jurisdictions.

They are currently working to build Prisoner Transportation section to be functioning 7 days a week, as the current service offering of Monday-Friday (0700-1700), has been insufficient for their policing partners.

One benefit mentioned by the interview respondent is that having Alberta Sheriffs provide these services, from a costing perspective and as a policing mandate, allows Police Officers the ability to focus on their primary responsibility.

Technology has also played an important role in reducing in person court appearances by using video conference. COVID-19 has helped with the acceptance of this technology and they hope to capitalize on it.

2. British Columbia

Contacts: Chief Paul Corrado – BC Sheriff, Superintendent Dave Attfield – BC RCMP, and Superintendent Lisa Byrne – Vancouver Police Department.

General Information

In British Columbia (BC), the BC Sheriffs have a strong presence across the province and have significant responsibilities in providing Court Security during regular hours of operation, staffing permitted. They also have a responsibility to transport prisoners during regular hours of operation (5 days a week). The RCMP has a large presence in BC and they are involved in the transport of prisoners within their jurisdictions (7,500 members, 132 detachments, 121 cell blocks). The municipal police services (MPS), such as Vancouver, also have a role in transporting prisoners, particularly on weekends. The RCMP and MPS are generally compensated when they assist.

Court Security

The British Columbia Sheriff Service is responsible for Court Security for the province of BC. It is an organization within the Ministry of the Attorney General of BC and part of the Court Services Branch.

The BC Sheriff Service responsibility is legislated under the BC Sheriff Act and Police Act. Sheriffs in BC have the authority to enforce provincial and federal statutes within their mandate. They are also appointed under the BC Public Service Act.

Historically, Sheriffs performed a variety of duties such as jailhouse manager, tax collector, government agent, formed Posses and even gold commissioner.

In 1974, the Sheriff's Office in British Columbia was restructured and merged into a single department known as the British Columbia Sheriff Service and reported to the Attorney General.

In the spring of 2019, Sheriffs were given further responsibility to act in exigent circumstances to intervene in life-threatening situations they encounter in the course of their duties.

All Sheriffs are sworn peace officers in the province of BC. They are formally trained through the BC Sheriffs Academy at the Justice Institute of BC. The Service does employ civilian Jury Guards and their role is restricted to providing comforts to the Jury. Jury Guards are neither peace officers nor are they trained in the same stream as Deputy Sheriffs. Jury Guards only receive in-house training.

Some of the tasks Deputy Sheriffs perform include court security (armed/not armed), search gate, prisoner and jury management, witness protection, arrest and detention.

Interviewee respondents note that one advantage to the training is that it is the same throughout the province for all Sheriffs. A Sheriffs Operating Manual provides operational guidance and outlines operational procedures that are to be followed consistently throughout the province.

One disadvantage noted by interviewees is the use of jury guards. The Service is no longer actively seeking to employ civilian jury guards. Jury guards are not peace officers and do not have the same authority as sworn Sheriffs; thus, jury guards cannot respond in the same manner as Sheriffs in some circumstances.

Funding for the BC Sheriff Service is provided by the provincial government.

The RCMP and municipal police services are required to support BC Sheriffs in providing remote location court security due to shortages of personnel within the Sheriffs. RCMP and municipal police services do not receive funding for remote location support. Police services also assist in providing security for high-risk trials and participate in risk assessments.

Prisoner Transport

The BC Sheriffs are largely responsible for transporting prisoners to and from police stations, courts and detention facilities. However, they currently only operate during Court hours, which excludes evenings and weekends. The transportation gap is fulfilled by the police service of jurisdiction – either the RCMP or the municipal police. RCMP and municipal forces are eligible to receive funding from the BC Sheriff when required to transport prisoners. The co-location of the central Courts and Vancouver Police Department (VPD) holding cells in Vancouver is ideal and significantly reduces prisoner transportation needs.

There has been a push to introduce video remand in order to reduce the number of prisoners requiring transportation. The advent of COVID-19 has significantly increased video remands and it is the BC Sheriffs plan to continue with this practice post COVID-19. Police services have been impacted with infrastructure and staffing challenges to accommodate video from police cells. They have not received provincial funding to move video technology forward, although Sheriff costs for prisoner transportation have declined.

Police in BC are required to hold prisoners in their cell blocks upon remand when there are capacity issues in the detention centres. They receive provincial funding under the “Keeper of Prisoner Program” when required to hold prisoners. The funding available does not cover all real costs due to limited funding in the province. For example, in 2019, the Vancouver Police recovered 78% of their costs from the province. Police services would like to see 24 X 7 services by the Sheriffs due to increased risk and liability associated with keeping prisoners longer in their cells.

Interview respondents pointed out that distance travelled between facilities can be an issue for the transport of prisoners in more remote locations. When the Sherriff is transporting prisoners long distances, two sheriffs may be involved and local police services are required to hold prisoners in their cells during prisoner runs that require hand offs, which can cause additional working pressures and risk for police services.

The general consensus across all interviewees is that BC Sheriffs should receive the required funding to operate their services 24 X 7 resulting in a more effective and efficient model.

3. Quebec

Contacts: Dave Castegan – Directeur général adjoint à la sécurité de l’État – Ministère de la sécurité publique (Court Security)

Jimmy Potvin – Directeur général adjoint des affaires policières – Ministère de la sécurité publique (Prisoner Transport)

General Information

In Québec, Court Security and Prisoner Transportation fall under the mandate of the Ministry of Public Safety. There are two distinct sub ministries responsible for each program. Court Security has always been performed by Special Constables who work for the Ministry. As a result of a significant project focused on the modernization of their Courts, there has been a shift in the responsibility associated with the transport of prisoners. Previously, Corrections had the sole responsibility of transporting all prisoners. Since the modernization project, and with the advent of COVID-19, police services are now responsible to transport any prisoner to an institution (or a court if a live appearance is required for some reason). Corrections maintains the responsibility of transporting prisoners requiring appearances for trial.

Court Security

Court Security in Québec is a shared responsibility between two Ministries (Justice and Public Security). There are over 100 court locations across the province including 48 main Court buildings and approximately 52 part time courts including fly in locations. The infrastructure is the responsibility of the Ministry of Justice and all other dynamic security requirements fall under the Ministry of Public Safety’s mandate. Interviewees note that this division of responsibility doesn’t always work well. It mainly depends on the relationships that exist. There have been instances where the Ministry of Justice doesn’t always take into consideration all downstream costs and operational impacts resulting from changes or decisions made relating to infrastructure. There is a view that both should fall under the responsibility of one Ministry though there is no opinion as to which one.

Special Constables, who are fully armed, hired and trained by the Ministry, are responsible to provide court security from the sidewalks in. They have powers of search and arrest and are remunerated at same rate as police officers due to collective agreements in place.

Court buildings that operate on a regular basis have dedicated special constables assigned. Judges who are required to attend remote part-time court sites are assigned Special Constables who travel with them to the sites and are responsible for security. Of late, Indigenous community police services have taken over the responsibility of providing security to part time courts in their jurisdiction which has been supported by the Ministry and has helped reduce their costs.

There are Liaison officers from police services (MPS and QPP) at Courts which helps the relationship between the Ministry and police services and acts as a point of contact with respect to Intelligence and information gathering.

The Ministry has a complement of trained investigators to conduct investigations of criminal incidents occurring in court buildings. However, if they are complex then the police of jurisdiction will assume responsibility. They have officers assigned to Intelligence who work with corrections and police services, Jury surveillance officers (courtrooms – hotels) to ensure the integrity of juries, officers assigned to monitor courtrooms as required by some Judges and officers assigned to the protection of some Judges (based on risk assessment).

All Court Cell Block security is the responsibility of Corrections.

Private Security companies are hired throughout the province to provide additional security functions and various court building and remote part time courts. These functions include screening, security camera monitoring, parking lot gate security and staffing at security checkpoints to operate x-ray units.

The model has been in place for more than 20 years and there have been no recent changes, however they are moving towards the use of “Government Security Officers” to replace private security being used to augment security at various sites. The Ministry wants better control of recruiting, training and staffing as opposed to using a number of private contractors.

Prisoner Transport

In recent years, the province of Quebec has undertaken a significant modernization project which spans into 2023 valued at \$675 million, including the introduction and expansion of video conferencing. One of Quebec’s goals is to reduce the need to transport prisoners and use technology to make Court appearances more effective and efficient. With the advent of COVID-19, their plans for video conferencing have advanced to the point that all Bail and Remand Appearances are now mandated to take place over video – either from the police station or the detention facility. The initial plan was to operate the program only over weekends, but they are now moving towards operating 7 days a week.

Prior to the modernization project, all prisoner movements, other than initial Bail Hearings where the accused was still in police custody, were made by Corrections. All prisoner movements pre-trial are now the responsibility of the police service of jurisdiction. When combined with the requirement that all bail and remand hearings be virtual, this essentially means police are responsible for prisoner transportation from the police holding cells to the detention facility. If the police service is not equipped to move prisoners, the Sûreté du Québec will assume that function. Corrections have the mandate to transport prisoners required for trial from the institution.

The number of transports required have reduced dramatically with COVID-19, resulting in lower workload for Corrections but an increase in tasks for police, to accommodate video appearances from police cells and the new responsibility to transport prisoners to the correctional institution.

Police have been asked to track their costs associated with the acquisition of technology, infrastructure changes and increased costs associated with prisoner transportation. There are no

current plans to fund local police services, however, a new funding arrangement may result in future years.

4. Australia / Queensland

Contact: Andrew Ballantyne , Superintendent Custodial Delivery Command – Queensland Corrective Services

General Information

Australia (pop 25M) is comprised of six states and three territories, one of which is Queensland (pop 5.2M). The Australian Federal Police has the role of investigating federal crime and protecting the national security of the Commonwealth of Australia. Each state or territory has their own police service responsible for investigating crimes and maintaining public safety within their respective jurisdictions. In addition, each state and territory has their own Corrective Services entity responsible for the supervision and rehabilitation of offenders in correctional services. In Queensland, the 5,000 Custodial Corrections Officers (CSO) are mandated to provide court security for defendants in their largest centres of Brisbane Courts Complex's and Townsville Courts, transport prisoners between correctional centres across the state, and are mandated to provide security in all correctional facilities centres in the state.

Court Security

Queensland Corrective Services (QCS) have the mandate of providing Court security for defendants in court buildings located in Brisbane and Townsville which are their largest court locations in the state. Building security for these courts is provided by State Government Security i.e., the entry and exit screening. There are 131 designated local court locations (not all full time), 38 District Courts and 11 Supreme Court locations.

In the past, police had the responsibility for security of defendants in courts. However, changes were made approximately 30 years ago. The bulk of all trials take place in the Brisbane Supreme and District Courts and some in Townsville and Cairns including serious offences. Minor offences can be dealt with at other court locations throughout the state. Queensland Police Service (QPS) are responsible for providing security at all other court locations (approximately 70) in the state and do not receive specific funding for this activity as this is included in their responsibilities. They also have state protective security officers assigned to those Courts.

All Court Security Officers (CSO's) receive the same training regardless of the role they are assigned (Courts, Correctional Centres and Escort and Security Branch). Extra compensation by way of shift premium is provided to those CSO's working shift work, however CSO's working Court Security only work Monday to Friday.

Prisoner Transport

In general, Corrections staff move prisoners from correctional facilities to court once remanded into custody by the Courts across the state. Police transport prisoners to Court from police

holding facilities. There are several remote locations where police transport prisoners from Correctional Facilities to Police holding facilities (Watch houses) to attend court e.g., Toowoomba, Roma. This is based on geography and stems from practice and history.

Some CSO's are armed for transports based on risk assessments in accordance with approved policy.

When a person is arrested by police, a charge is laid and if there is a requirement to hold them in custody they appear before a judge in person or by video. If remanded into custody, they return to the police watchhouse and are put on a list to be picked up by Queensland Corrections when a spot has been secured in a correctional facility. Currently the correctional facilities are operating at an average of 160% capacity therefore a prisoner can be on a list waiting in a police cell for over seven days before being picked up for transport to the correctional centre.

QCS move about 30,000 prisoner per year. There is high use of video conferencing for remand prisoners by Corrections – up to 70% is done by video across all Correctional centres.

QCS have recently gone through a review and are amidst reform. Both QCS and QPS are currently reviewing reception, transport, and escort of, and security of, prisoners.

QPS would like to see prisoners transferred into jail sooner. Currently Corrections are not resourced to deal with front end services performed at watchhouses. Queensland Correctional Facilities are operating at approx. 160% of capacity – placing strain on the system and housing prisoners is problematic.

An extension to a facility has been completed and a new facility is being built which should assist with capacity issues.

QCS and the Justice sector are also working to assess the value of incarcerating certain offenders for certain offences. Is it effective to put a first time impaired driver in jail – are they a threat to society as an example.

5. New Zealand

Contact: Deputy Commissioner Jevon McSkimming, New Zealand National Police

General Information

The New Zealand Police Service (NZPS) has approximately 15,000 employees and has the policing mandate for the entire country. Police in New Zealand are not armed. Court security does not fall under the jurisdiction of the police. It is handled by the Minister of Justice. However, police are responsible for all prosecutions therefore have some presence in court buildings. NZPS are responsible for all prisoner transport up until the sentencing phase of the judicial process. Prisoners are held in police cells for short durations and when remanded by the Court they are held in Correctional facilities.

Court Security

Responsibility for court security is legislated under the Court Securities Act and the Minister of Justice is responsible to ensure Courts are secure and provides required funding. A combination of civilians (Court Security Officers) and private contractors are present in the courts for security purposes. One stated advantage of using non police resources is associated to the impartiality of the Court process given that police are the ones responsible for prosecuting offenders.

New Zealand Police have a physical presence in the court buildings for the main purpose of prosecuting offenders and to maintain the security of offenders. If a police response is required, those on duty will respond, but additional resources may be called in. There are no security checkpoint requirements present in accessing any of the 326 court buildings across the country. A risk-based approach is used if a particular court appearance or trial requires higher security and additional resources will be assigned if deemed necessary.

There are approximately 300 police stations across the country and most of them are in proximity of the court buildings. However, the closure or merging of police facilities has outpaced consolidation of Court buildings.

Prisoner Transport

The New Zealand Police is responsible for all pre-sentencing prisoner transportation in the country and operations are funded by the general revenue provided by the Ministry of Justice.

There has been a concerted effort to reduce the number of Court appearances required by an offender. The strategy involves reducing the number of arrests requiring detention (e.g., identification confirmation, releasing at a police station or an officer phone checking fingerprints to avoid need to arrest) and the use of video remand. Both strategies are geared towards reducing the number of prisoners requiring transport. There is a cultural shift that has been required and resistance is often felt depending on the individual Judge hearing a case. The advent of COVID-19 has helped with the culture change but they have a long way to go towards achieving their goals. The practice of offenders appearing in person has been in place for centuries and shifting to a culture of remote appearance has been challenging.

There is a pool of approximately 300-400 “Duly Authorized Officers” (equivalent of Special Constables) who are tasked with prisoner transport and guarding prisoners in police and court cells. The prisoner transport program is governed centrally but the officers are deployed geographically and report to Area or District Commanders depending on the size of the jurisdiction. Because of geography, the longest transport they have might be two hours. They also have fly in communities. There is centralized (national) policy and direction. Resource deployment, supervision and operations are grounded at the local level.

The focus of the NZPS is on reducing Court Appearances – they are looking at “disrupting the custody pipeline”. They have seen a 30% reduction of appearances specifically attributed to better managing offender identification and providing front line officers smart phone technology to

capture and view video and fingerprints. Their focus is also on maximizing the use of digital evidence in Court.

They also use a risk management approach and will have police officers support transports or court appearances when required. The model they use to transport when required works well according to interviewees.

6. United Kingdom

Contact: On Line Research

Organization/Agency Responsible

England/Wales: The Lord Chancellor or Secretary of State for Justice (role combined in 2007) is under a duty to ensure that there is an efficient and effective system to support the carrying out of the business of the Senior Courts, the Court of Protection, the county courts, the family courts, and magistrates' courts, and that appropriate services are provided for those courts.

Northern Ireland: The Ministry of Justice, Lord Chief Justice's Office, and the Courts and Tribunals Services are responsible for the safe operation of court rooms.

Scotland: Estates, Health and Safety, Fire and Security Committee under the Scottish Courts and Tribunals Service which is a public agency responsible for the administration of Scottish Courts.

Legislation

Courts Act 2003

The Lord Chancellor, in accordance with the Courts Act 2003, appoints and designates security officers for all courts in England and Wales, other than the UK Supreme Court. Security officers are required to comply with training requirements prescribed by secondary legislation. Once the Lord Chancellor designates an individual as a court security officer, they have specific powers that they may exercise in court buildings, for example, the power of search, seizure of weapons and other prohibited articles and of restraint and/or removal from a court.

Model

England and Wales: Court Security Officers employed by the Lord Chancellor/Secretary of State for Justice or a private "court officer" designated by the Lord Chancellor under section 51(1) of the Courts Act 2003 provides all court security functions.

Northern Ireland: Similar to the England and Wales

Scotland: Court security is the responsibility of the Scottish Police Force. Non-Warranted uniformed officers are provided, who have the power to hold persons in custody, remove persons from the premises, apprehend escapees, transfer persons from any court, prison, police station, or

mental institution to another, search any person in custody, and demand information with reasonable cause.

Staff

A court security officer is a person who is appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and designated by the Lord Chancellor as a court security officer.

In the UK, private contractors also transport prisoners to and from 24 crown courts and 43 magistrates' courts. They cover many of the most high-profile courts in England and Wales, including the Royal Courts of Justice, the Central Criminal Court and Westminster Magistrates' Courts.

North Ireland: Private security contractors perform the role of jury keepers. A Private security contractor is responsible for the overall security of the courthouse. General court duties include calling defendants, witnesses and helping court ushers. Prison Service Prison Officers and Prison Custody Officers are responsible for the security of defendants in custody while in the holding area of the courthouse and the dock. Youth court security is provided by "security staff".

Court Police and Security Officers, known as a TurnKey, is a uniformed non-warranted officer of the Scottish Police Force. These Officers provide security (and transport) for courts within Scotland.

Funding

Limited information, however, it appears that funding is provided by the central governments through the ministry responsible for court operations.

COVID-19 /Other Concerns

Move towards more remote court appearances and other technologies available to reduce the need for in-court appearances. Some courts have installed plexiglass dividers and such to mitigate transmission risk.

Comparison Tables

General Information	Ontario	Alberta	British Columbia	Quebec	Queensland Australia	New Zealand
Population (millions)	14.75	4.42	5.1	8.57	5.11	5
Police	✓	✓	✓	✓	✓	✓
Sheriffs	✗	✓	✓	✗	✗	✗
Government Security	✗	✗	✗	✓	✓	✓
Corrections	✓	✓	✓	✓	✓	✓

Court Security	Ontario	Alberta	British Columbia	Quebec	Australia	New Zealand
<i>Responsibility Legislated?</i>	■	■	■	■	■	■
<i>Who is responsible general security</i>						
- Police of jurisdiction	■		□		□	■
- Centralized entity		■	■	■	■	■
<i>Staffing model for general security</i>						
- Police	■		□			
- Other	□	■	■	■	■	■
<i>Staffing model for holding facilities</i>						
- Police	■		□			
- Other		■	■	■	■	■
<i>Screening</i>						
- All courthouses	□	□	□	□	□	
- Major courthouses	■	■	■	■	◆	
- Part-time courthouses						
<i>Designated Funding</i>	◆	■	■	■	■	■

■	Yes	◆	Mostly	□	Partly
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Prisoner Transportation	Ontario	Alberta	British Columbia	Quebec	Australia	New Zealand
<i>Responsibility legislated?</i>	■	■	■	■	■	■
<i>Transportation Station to Court</i>						
- Police	■	□	□	■	■	■
- Other		◆	◆			
<i>Transportation Station to Detention</i>						
- Police	■	□	□	■	■	■
- Other		◆	◆			
<i>Transportation Court to Detention</i>						
- Police	■	□	□	■	■	■
- Other		◆	◆			
<i>Transportation Detention to Court</i>						
- Police	■				□	
- Other		■	■	■	◆	■
<i>Use Armed Police Officers</i>	□	□	□	◆	□	
<i>Use Special Constables</i>	◆	□	□			■
<i>Use Sworn Peace Officers</i>		◆	◆	□	◆	
<i>Payments to Police for Conducting PT.</i>	◆		◆			
<i>Pre COVID-19 use of video appearances</i>	□	□	□	□	□	◆
<i>Impact of COVID-19 on increased use of video appearances</i>	■	■	■	■	■	■
<i>Are changes being contemplated?</i>	◆	□	□	◆	□	□

■	Yes	◆	Mostly	□	Partly
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**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2022-61

Dear Head of Council:

The supply of housing in Ontario has not kept up with demand over the past decade and everyone has a role to play in fixing Ontario's housing crisis. More than ever, we need municipalities, non-profits and private industry to work with us to encourage the building of different kinds of housing – so that Ontario families have more affordable options.

To help support this important priority, I am pleased to provide you with an update on recent changes our government has made to help streamline and simplify Ontario's planning system.

Bill 13, the *Supporting People and Businesses Act, 2021*

Schedule 19 of Bill 13, the *Supporting People and Businesses Act, 2021* came into force December 2, 2021 upon royal assent.

Changes have been made to help streamline the planning system and, in some cases, help shorten approval timelines by providing municipal councils broader authority to allow more planning decisions to be made by committees of council or staff. Municipalities can now, subject to having appropriate official plan policies, delegate decisions dealing with minor amendments to zoning by-laws, such as temporary use by-laws and the lifting of holding symbols, should they choose to.

You can find more information about these changes on the Environmental Registry of Ontario ([019-4419](https://www.ero.on.ca/)) and the Regulatory Registry ([21-MMAH025](https://www.ero.on.ca/)) and some frequently asked questions are provided below.

At this time, I encourage you to review and update your existing delegation policies and consider exercising this new authority to help streamline your decision-making processes, and free up council's valuable time to focus on other more strategic matters.

Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*

As you know, we also recently made *Planning Act* changes related to control of the division of land, including subdivision control, plans of subdivision, consents and validations through Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*, which received Royal Assent on June 3, 2021. I am writing to confirm that Schedule 24 of Bill 276 and associated regulations came into force on January 1, 2022.

We are proud to make these changes, which will help save time and money for those involved in the land division approval process, including municipalities, landowners, purchasers and some lease holders. Our changes will continue to protect Ontarians when they buy and sell property, while making the rules of subdivision control clearer and simpler.

.../2

Your municipality may wish to consider whether adjustments to your land division application and review processes to align with the changes would be beneficial.

More information about these changes and the feedback we received during our consultation can be found on the Environmental Registry of Ontario ([019-3495 and 019-3958](#)) and Regulatory Registry ([Proposal 21-MMAH008 and Proposal 21-MMAH015](#)). Some frequently asked questions are provided below. Any further questions about the changes to the *Planning Act* and related regulations can be directed to ProvincialPlanning@ontario.ca.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark". The signature is written in a cursive, flowing style.

Steve Clark
Minister

c: Chief Administrative Officer

FAQs

Schedule 19 (Planning Act) to Bill 13, the Supporting People and Businesses Act, 2021

What changes have been made to the Planning Act?

- Changes to the Planning Act, Municipal Act, 2001 and City of Toronto Act, 2006 provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws like:
 - Temporary use by-laws
 - Lifting of holding provisions
- Before matters may be delegated, official plan policies will need to be developed to establish the type of minor zoning by-law amendments that may be delegated, such as authorization of temporary uses, the lifting of a holding symbol, and other minor zoning by-law amendments.

What types of “minor” amendments to a zoning by-law may be delegated?

- If a municipality would like to use this authority, official plan policies will need to be established to scope and define the types of “minor” zoning amendments that may be delegated. This could include matters like temporary use by-laws and by-laws lifting holding provisions.
- This approach is intended to allow for a locally tailored approach that reflects input from the public.

What types of conditions could council apply when delegating its authority?

- Council will have the ability to apply conditions on the delegation of its decision(s). These conditions would be determined locally when the official plan policies and implementing by-law for the delegation are being developed.

Will this new delegation authority alter the public meeting or appeal rights of the matters delegated?

- The delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights.

What other planning decisions can be delegated?

- Under the Planning Act, municipal council can delegate the following decisions to a committee of council, staff, or, in some cases, a committee of adjustment:
 - Community planning permit system permits
 - Approval of adopted lower-tier official plan amendments
 - Plans of subdivision and condominiums
 - Consents
 - Site plan
 - Validations
- Other planning matters, such as administrative functions related to by-laws, may be delegated by council based on the delegation provisions in the Municipal Act, 2001 (or City of Toronto Act, 2006).

Schedule 24 (Planning Act) to Bill 276, the Supporting Recovery and Competitiveness Act, 2021

What changes will be made to the Planning Act?

- The changes include technical, administrative and policy changes to provisions in sections 50, 51, 53, 54, 55 and 57 of the Planning Act related to control of the division of land, as well as other housekeeping or consequential changes.
- Upon proclamation, the changes will:
 - provide new exceptions to subdivision control and part lot control (i.e., exceptions from the need for land division approval) – for example, by preventing parcels from merging with other lands in certain circumstances
 - change the plan of subdivision process – for example, by aligning the requirements for public notice, information, and public meetings with other instruments under the Act
 - change the consent application process – for example, by requiring a municipality or the Minister, where requested, to issue a certificate for the retained land in addition to providing a certificate for the lands that are subject to the consent application, and
 - make other changes regarding subdivision control and its related processes – for example, by requiring that a decision on a validation conform with the same criteria which are applicable to consents.

What changes will be made with respect to “lot mergers”?

- Changes will be made to the subdivision control provisions to prevent lots from merging where lands were previously owned by, or abutted land previously owned by, joint tenants and where the ownership would have otherwise merged as a result of the death of one of the joint tenants.
- Outside of a “death of a joint tenant” scenario, lot mergers will continue to occur.

What changes will be made to the consent application process?

- Changes will be made to the consent application process to, for example:
 - permit a purchaser of land or the purchaser’s agent to apply for a consent
 - establish a new certificate of cancellation
 - provide for certificates to be issued in respect of retained land in addition to the lands that are subject to the consent application
 - provide for a standard two-year period during which the conditions of a consent must be satisfied, and
 - permit a consent application to be amended by an applicant prior to a decision about the consent being made by the consent-granting authority.
- Municipalities may need to modify or update certain administrative processes as a result of some of these changes.

What is a certificate for retained land?

- Changes to the Planning Act will provide for a consent-granting authority to issue a certificate for the retained land (the other part of the parcel approved through the land division process) resulting from certain consents.
- This certificate will show that the retained land has “consent” status.
- An applicant will need to specify in their application whether they are requesting a retained land certificate, and if so, require that a statement from a solicitor

confirming the extend of the owner's retained land be included as part of that application.

What is a certificate of cancellation?

- In some situations, the original consent granted for a parcel of land may no longer be wanted or needed. This could occur, for example, where a parcel created by consent may need to be widened to accommodate a driveway. In these cases, the original consent may need to be cancelled to ensure the revised parcel will function as a single unit.
- Changes to the Planning Act will allow owners to apply to the consent-granting authority for a certificate of cancellation for a parcel that was previously severed with a consent. The consent-granting authority may also require the owner to apply as a condition of approval.
- Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

What considerations need to be applied to validation requests?

- A validation can be used in place of obtaining a consent to the contravening transaction (transfer or other transaction that was made in breach of the Planning Act requirements) in certain situations; for example, where the landowners at the time of the contravention are not available to sign the new transfer documents.
- The validation allows the validation authority to consider each situation on its merits and decide whether a request to validate title should be supported. The validation authority may, as a condition to issuing the validation, impose conditions as it considers appropriate.
- Bill 276 will make changes to require that a decision regarding a validation must conform with the same criteria which are applicable to consents, for example:
 - having regard to provincial interests and the land division criteria set out in the Planning Act
 - ensuring the validation is consistent with the Provincial Policy Statement and conforms, or does not conflict, with provincial plans, and
 - ensuring the validation conforms with all applicable official plans.

Application to Purchase Municipal Land

Office Use Only	
Application No.:	_____ Date: _____
Roll No.:	54-18-_____ - _____ - _____
OP Designation:	_____
Zoning:	_____

1. Applicant Information

Name of Applicant: EDWARD LAVALLEE
Mailing Address: [REDACTED] NORTH COBALT POJ-1RO ONT.
Email Address: _____ Phone: [REDACTED]

2. Land Information

New Liskeard
 Haileybury
 Dymond
 NORTH COBALT

Municipal Address <u>29 KING ST. NORTH COBALT</u>
Legal Description (concession and lot numbers, reference plan and lot/part numbers)

3. Proposed use of land:

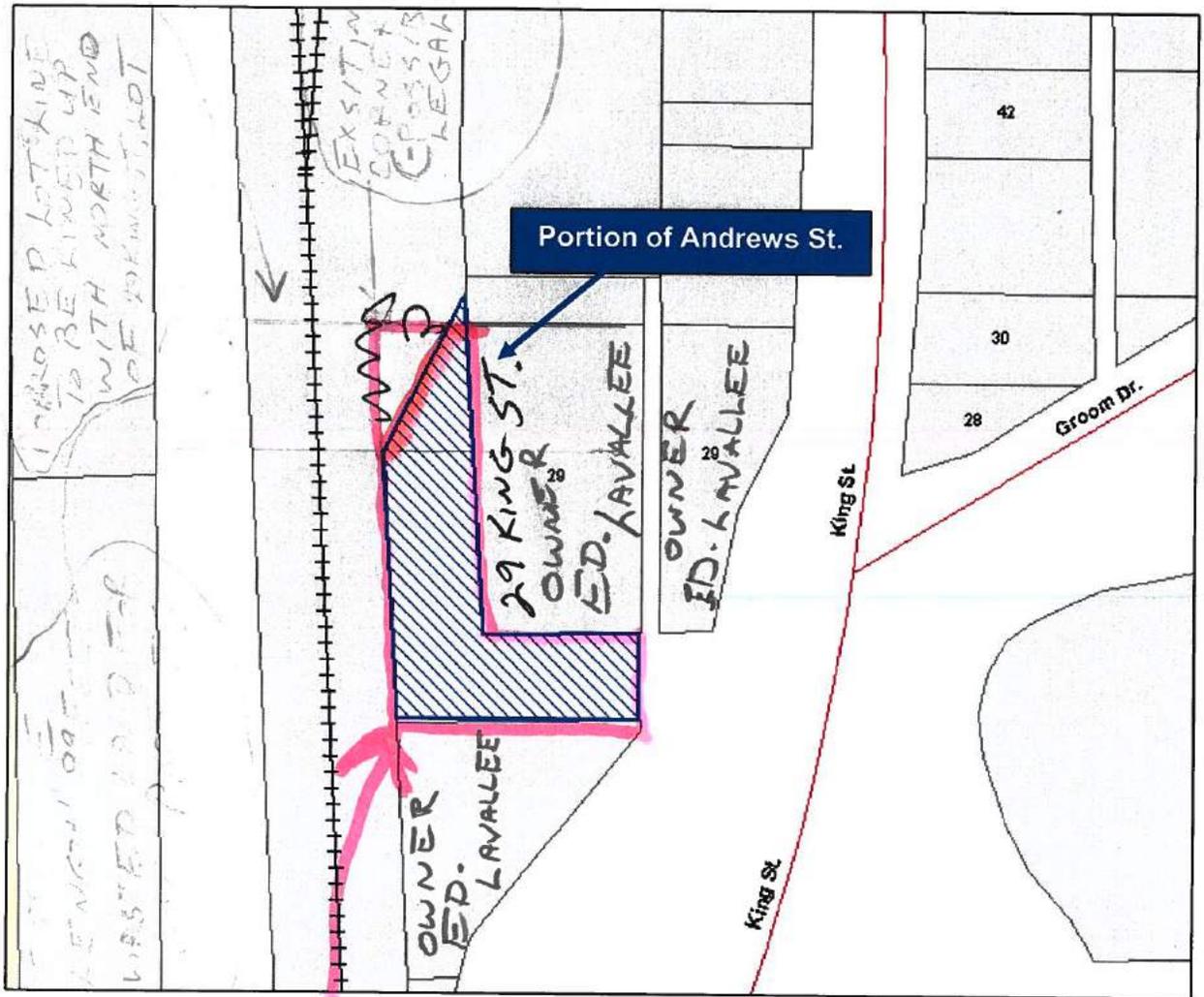
GENERAL USE - GRASS STORAGE OF
CAMPER TRAILER, UTILITY TRAILERS,
SNOW MACHINE) SOME BUILDING SUPPLIES

Notes:

- Applications will be circulated to internal departments for comment followed by a memo/report to council to determine if Council would like to proceed with a potential land sale;
- If approval is received to proceed a **Non-Refundable Deposit** of \$250 is required;
- Depending on the circumstances of the land sale additional deposits may be required throughout the process to cover other costs such (i.e. reference plans, advertising fees, appraisal, legal fees etc.);


Signature of Applicant

17/01/22
Date (dd/mm/yy)



This map is provided for illustrative purposes only, and is not designed to assist in navigation or as a substitute for a legal survey.

APPLICATION
TO
PURCHASE
MUNICIPAL
LAND

1. CALL TO ORDER

Meeting called to order at 2:35 p.m.

2. ROLL CALL

PRESENT:	Mayor Carman Kidd Councillor Jesse Foley Chris Oslund, City Manager Matt Bahm, Director of Recreation Maria McLean, Public Appointee Jamie Dabner, Public Appointee Kelly Conlin, Deputy Clerk (Committee Secretary) Emily Cormier – City of Sault Ste. Marie – Presentation only
REGRETS:	Councillor Mike McArthur Paul Cobb, Public Appointee

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

None

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5. APPROVAL OF AGENDA

Recommendation CCC-2022-001

Moved: Councillor Jesse Foley

Be it resolved that:

The Climate Change Committee agenda for the January 11, 2022 meeting be approved as printed.

CARRIED

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation CCC-2022-002

Moved by: Jamie Dabner

Be it resolved that:

The Climate Change Committee minutes for the October 26, 2021 meeting be approved as presented.

CARRIED

7. CORRESPONDENCE/PRESENTATION

Emily Cormier, Sustainability Coordinator – City of Sault Ste. Marie

The Committee was presented with a Climate Action Overview for 2019 – Date from the City of Sault Ste. Marie. Emily provided an introduction and the background on the development of the overview and how it came to be what it is today. Emily highlighted the main components of the overview with are: Greenhouse gas Reduction Plan, Plan Methodology, Greenhouse Gas Emissions Inventory, Plan Implementation and Future Planning. Emily provided examples of local initiatives and efforts used to get the community engaged in the plan. The presentation was very well received by the Committee and provided some excellent starting points for the plan for Temiskaming Shores.

8. NEW BUSINESS

a) Committee Review/Target Measures

Matt Bahm provided the Committee with a refresh on what has been done so far and where we would be within the next few months as a Committee, such as the development of target reductions and recommendations to Council. The Committee was also provided with information about the broad sector reporting which outlined the City's usage of gas and electricity and how it has changed over the years. Staff is recommending we move forward with setting targets with emissions.

The Committee suggested we target of net zero by 2050, which aligns with what the federal government has implemented, as well as, methods to have the public support in achieving this goal. The culture of the community and local businesses at this time and the City's commitment to create and evaluate change in regards to target measures will be critical to effect the change that the Committee would like to see. Having the community engaged will assist with setting and achieving the Committee's priorities. At this time, we are lacking the data to set a baseline to move forward, as well as, staff capacity. Mayor Kidd suggested we look towards Economic Development in the creation of a funded position to work on a few different areas, including Climate Action.

The Committee agreed that the City has made positive steps forward such as the conversion of all our street lights and area lights to LED. The measures taken could be used in the development of a case for funding.

The Committee has suggested that staff develop a report/overview on how we will approach the issues, potential funding opportunities, long-term and interim goals and the development of our current emissions inventory which will assist in moving forward. The report will also include a recommendation of extending the mandate of the Committee or creating a more permanent Committee of Council instead of Ad-Hoc. The Committee will review the report at the next meeting, prior to it being presented to Council.

9. NEXT MEETING

The next meeting for the Climate Change Committee will be on February 8, 2022 @ 2:30 p.m.

10. ADJOURNMENT

Recommendation CCC-2022-003

Moved by: Maria McLean

Be it resolved that:

The Climate Change Committee meeting is adjourned at 4:21 p.m.

CARRIED

Temiskaming Shores Public Library Board

Meeting Minutes

Wednesday, November 24, 2021

7:00 p.m. in person and via zoom

1. Call to Order

Meeting called to order by Chair Brigid Wilkinson at 7:00 p.m.

2. Roll Call

Present: Claire Hendrikx, Jessica Cooper, Brigid Wilkinson, Danny Whalen and Library CEO Rebecca Hunt attended in-person. Brenda Morissette, Jeff Laferriere, Thomas McLean and Emily Kotalowski attended via Zoom.

Regrets: none.

Members of the Public: 0

3. Adoption of the Agenda

Motion #2021-58

Moved by: Jeff Laferriere

Seconded by: Danny Whalen

Be it resolved that the Temiskaming Shores Public Library Board accepts the November 24, 2021 agenda as presented.

Carried.

Addition: none

4. Declaration of conflict of interest: None

5. Adoption of the Minutes

Motion #2021-59

Moved by: Claire Hendrikx

Seconded by: Jeff Laferriere

Be it resolved that the Temiskaming Shores Public Library Board approves the minutes of the meeting held on Wednesday, October 27, 2021 as presented.

Carried.

6. Business arising from Minutes

- a. Land acknowledgement—Defer until next meeting
- b. MOU with municipality review—Defer until next meeting

7. Correspondence:

- a. From Timiskaming Health Unit: news regarding capacity limits
- b. From Ontario Library Services: news regarding capacity limits

8. Secretary–Treasurer’s Report

Report and monthly financial statement included in the trustees’ information packet

Library CEO’s Report

November 15, 2021

Book Sales: The book sales are going well and we are making around \$55 a week for the two days the carts are out.

Budget: I have submitted draft two, with minor changes to the Northern College amount to include the full annual amount and the parking spaces, so an increase from \$17, 050 to \$18, 932. There will also be a slight change to the part-time student budget line with the anticipated minimum wage raise. I am working with the Treasurer to finalize the staffing spreadsheets but it will be around \$600 increase.

CJTT Chat: I was on the CJTT Morning Chat on October 27 and spoke a bit about the non-resident cards and library services. I will be on again on November 24 and will talk a bit about the contracting townships and that Hudson is reimbursing their residents for part of the cost of a library card. I will also promote the programming room that we can rent out to groups for meetings.

Community Fridge Committee: I have been contacted by the Community Fridge Committee and they would like to come to a board meeting to report again on some updated information they have and answer any questions the board may have. I have mentioned that they could come to the January meeting.

Connectivity Fund: I have applied to the Connectivity Fund to cover the costs of our internet connection for 2022. Applications are due on November 26, and we usually receive funding in late December or early January.

Contracting Township Presentations: The Board Chair, City Manager and I completed the presentations to the contracting township municipal councils on November 2 in Kerns, November 9 in Harley and November 10 in Casey. The presentations went well and it was a good opportunity to promote the library's services to the townships. There were quite a few questions and concerns about the percentage of township users of the library. I have a report in new business which suggests a way we might more easily track exactly who is using the library's services and where they are from by requiring a library membership for more of our services.

Northern Lights Library Network: I have cancelled the November 29 meeting but will reschedule for early Spring.

OverDrive: We have re-subscribed to the OverDrive consortia for 2022. Fees have increased a bit due to the addition of the OverDrive Magazines selections, but it will still be less than we paid for OverDrive and OverDrive Magazines last year.

Programming: Currently there is a Snow themed craft bag handout, and we are starting our "Pay it Forward: Send Christmas Cards to CAF Members" program, handing out the materials for children to make Christmas card to Canadian Armed Forces members overseas. We will also have a Christmas craft bag handout starting in early December.

Finances and Statistics

The Board reviewed the financial and statistical reports as provided by the CEO.

Motion #2021-60

Moved by: Jeff Laferriere

Seconded by: Jessica Cooper

Be it resolved that the Temiskaming Shores Public Library Board accepts the November Secretary-Treasurer's report and Financial report.

Carried.

9. Committee Reports:

- a. FINANCE AND PROPERTY: Nothing to report.
- b. PLANNING, POLICY, PERSONNEL AND PUBLICITY: Nothing to report.
- c. STRATEGIC PLANNING: Nothing to report.
- d. LIBRARY SERVICES: Nothing to report.

10. New Business:

- a. Board Assemblies representative report: Emily Kotalowski. Emily reported on the information presented at the November Board Assemblies meeting.
- b. Report LIB-04-2021: Facilities Use membership category.

Motion #2021-61

Moved by: Jessica Cooper

Seconded by: Thomas McLean

Be it resolved that the Temiskaming Shores Public Library Board acknowledges receipt of Report LIB-04-2021 and creates a free Facilities Use membership category to facilitate the tracking of usage of library services other than circulation of materials and ebook use by non-residents of the City of

Temiskaming Shores or contracting townships who do not wish to purchase a full membership, and that the library's circulation policy Circ-2 Membership and Card Use be updated to reflect the change.

Carried.

c. Board meeting 2022 schedule.

11. Plan, Policy review and By-law review:

a. None

12. Closed session

Motion #2021-62

Moved by: Danny Whalen

Seconded by: Claire Hendrikx

Be it resolved that the Temiskaming Shores Public Library Board goes into closed session at 7:37 in regards to identifiable individuals.

Carried.

Motion #2021-63

Moved by: Claire Hendrikx

Seconded by: Jessica Cooper

Be it resolved that the Temiskaming Shores Public Library Board rises from closed session at 8:05 with report.

Carried.

Motion #2021-64

Moved by: Danny Whalen

Seconded by: Claire Hendrikx

Be it resolved that the Temiskaming Shores Public Library Board accepts the closed session minutes of October 27, 2021.

Motion #2021-65

Moved by: Jessica Cooper

Seconded by: Brenda Morissette

Be it resolved that the Temiskaming Shores Public Library Board acknowledges receipt of Report LIB-05-2021 and require that all eligible attendees, including patrons and staff, of programs and events held in the library's spaces show proof of COVID-19 full vaccination, and that the library's COVID-19 Operating Framework and Safety Plan be updated to reflect this change.

Carried.

13. Adjournment

Adjournment by Brigid Wilkinson at 8:06 p.m.

Chair –

1.0 CALL TO ORDER

The meeting was called to order at 10:30 a.m.

2.0 ROLL CALL

PRESENT:	Councillor Danny Whalen (Chair) Mayor Carman Kidd Councillor Doug Jelly Christopher Oslund, City Manager Matt Bahm, Director of Recreation Paul Allair, Superintendent of Parks and Facilities Kelly Conlin, Deputy Clerk (Committee Secretary)
REGRETS:	

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

None

4.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5.0 ADOPTION OF AGENDA

Recommendation BM-2022-001

Moved by: Councillor Doug Jell

Be it resolved that:

The Building Maintenance Committee Meeting Agenda for the January 19, 2022 meeting be adopted as printed.

CARRIED

6.0 APPROVAL OF PREVIOUS MINUTES

Recommendation BM-2022-002

Moved by: Mayor Carman Kidd

Be it resolved that:

The Building Committee Meeting previous meeting minutes of December 15, 2021 be adopted as presented.

CARRIED

7.0 PRESENTATIONS/CORRESPONDENCE

- a) Renaming Request – New Liskeard Community Hall; Request from Kim Campbell, Referred from January 18/22 Regular Council meeting

The Committee was unanimously in support of renaming the New Liskeard Community Hall in remembrance of Mr. Lawrence “Bun” Eckensviller who recently passed away. Mr. Eckensviller was a long-standing member of Legion, Branch 33, WW2 veteran and a well-known Community minded individual.

Recommendation BM-2022-003

Moved by: Councillor Danny Whalen

Be it resolved that:

The Building Maintenance Committee hereby recommends Council consider approving the renaming request for the New Liskeard Community Hall to the Bun Eckensviller Community Hall.

CARRIED

8.0 UNFINISHED BUSINESS

- a) **New Liskeard Marina Update – Geotechnical/Phase 1**

Staff will be proceeding with a Request for Proposal for Geotechnical/Phase 1 Environmental Study for three areas: New Liskeard Marina Area, Bay Street and an area along the Wabi River that could potentially be the location for the pedestrian crossing. Staff will also seek out any potential funding opportunities to assist in covering the cost.

- b) **Haileybury Medical Centre – North stairway**

The repairs to the stairway are expected to begin at the end of January.

- c) **LAS Electricity Pricing**

LAS has advised that they are now in a position for hedging in 2022 for electricity pricing for the City.

9.0 NEW BUSINESS

a) Building Maintenance Department Update

Staff provided the Committee with an update in regards to current operations and projects underway within the Building Maintenance Department.

b) Arena Accessibility Project

The Accessibility project is set to resume in 2022. The City was successful in receiving funding to assist with the cost of this project.

c) Pool Fitness Centre – Roof Replacement

The Waterfront Pool Fitness Centre roof replacement project was successful with a funding request for \$500,000 to offset the cost of this 2022 project.

10.0 ADJOURNMENT

Recommendation BM-2022-004

Moved by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee, be hereby adjourned at 11:02 a.m.

CARRIED

1. CALL TO ORDER

Meeting called to order at 11:58 a.m.

2. ROLL CALL

PRESENT:	Councillor Jeff Laferriere (Chair) Mayor Carman Kidd Councillor Danny Whalen Christopher Oslund, City Manager Shelly Zubyck, Director of Corporate Services Stephanie Leveille, Treasurer Logan Belanger, Municipal Clerk Kelly Conlin, Deputy Clerk (Committee Secretary)
REGRETS:	None

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

None

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5. APPROVAL OF AGENDA

Recommendation CS-2022-001

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee agenda for the January 19, 2022 meeting be approved as printed.

CARRIED

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation CS-2022-002

Moved by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee minutes of the December 15, 2021 meetings be approved as presented.

CARRIED

7. CORRESPONDENCE/PRESENTATIONS

- a) Renaming Request – New Liskeard Community Hall; Request from Kim Campbell, Referred from January 18/22 Regular Council meeting.

The Committee was unanimously in support of renaming the New Liskeard Community Hall in remembrance of Mr. Lawrence “Bun” Eckensviller who recently passed away. Mr. Eckensviller was a long-standing member of Legion, Branch 33, WW2 veteran and a well-known Community minded individual.

Recommendation CS-2022-003

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee hereby recommends Council consider approving the renaming request for the New Liskeard Community Hall to the Bun Eckensviller Community Hall.

CARRIED

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. CLOSED SESSION

Recommendation CS-2022-004

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee convene into Closed Session at 12:02 p.m. to discuss the following matters:

- Under Section 239 (d) of the Municipal Act; Labour Relations

CARRIED

Recommendation CS-2022-005

Moved by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee rise without report at 12:11 p.m.

CARRIED

11. NEXT MEETING

The next Corporate Services Committee Meeting will be February 16, 2022 at 12:00 p.m.

12. ADJOURNMENT

Recommendation CS-2022-006

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee meeting is adjourned at 12:11 p.m.

CARRIED

1. CALL TO ORDER

Meeting called to order at 1:00 p.m.

2. ROLL CALL

PRESENT:	Mayor Carman Kidd (Chair) Councillor Doug Jelly Councillor Mike McArthur Christopher Oslund, City Manager Shelly Zubyck, Director of Corporate Services Steve Langford, Fire Chief Jennifer Pye, Planner Gabriel Tasse, By-Law Officer Kelly Conlin, Deputy Clerk (Committee Secretary) Hayden Fiset, Item 9A only
REGRETS:	None

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

New Business – 9e) Parking Ticket Fines Initiative

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5. APPROVAL OF AGENDA

Recommendation PPP-2022-001

Moved by: Councillor Mike McArthur

Be it resolved that:

The Protection to Persons and Property Committee agenda for the January 19, 2022 meeting be approved as amended.

CARRIED

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation PPP-2022-002

Moved by: Councillor Doug Jelly

Be it resolved that:

The Protection to Persons and Property Committee minutes of the December 15, 2021 meeting be adopted as presented.

CARRIED

7. PRESENTATIONS/CORRESPONDENCE

8. UNFINISHED BUSINESS

9. NEW BUSINESS

a) Deeming By-Law – Helmer Pederson Drive, Lots 23/24

Jennifer Pye presented a request from Hayden First to deem two serviced residential lots together on Helmer Pedersen Drive in the Cosman Crescent Extension Subdivision. Although this request meets the requirement of the Planning Act, staff is of the opinion that it does not meet the requirements of Section 4.5.9 the Official Plan, which states that “Deeming of lots in existing subdivisions will not be considered where lots are integral to the settlement pattern and available infrastructure; however, deeming may be used to prevent scattered and inefficient development”, and is not recommending approving the request. Staff also stated that by deeming the lots it does not necessarily conform with the lot fabric in the area. The Committee felt that it was likely that Mr. Fiset would be purchasing the two lots regardless and did not see an issue with the request.

Recommendation PPP-2022-003

Moved by: Councillor Doug Jelly

Be it resolved that the Protection to Persons and Property Committee acknowledges the presentation and recommendation from the City’s Planner;

That the PPP Committee is of the opinion Lots 23 and 24 on Plan 54M365 (Helmer Pederson Drive) are not integral to the settlement pattern and available infrastructure; and that deeming the two lots would prevent scattered and inefficient development; and

Further that the PPP Committee hereby recommends that Council consider approving the request to deem Lots 23 and 24 on Plan 54M365 (Helmer Pederson Drive) as no longer being Lots on a Plan of Subdivision.

CARRIED

b) Fire Activity Report

Steve Langford presented the monthly Fire Activity report for all three stations. Steve also noted that the new Fire Truck is expected to arrive in June 2022.

c) Annual Fire Report – 2021

The Committee was provided with the yearly report for 2021, which will be presented to all of Council at an upcoming meeting.

d) Impounded Vehicle Fee

Staff advised the Committee that staff were required to impound a vehicle that was left on the street over a number of days, after issuing two tickets and an attempt to contact the owner. The towing company held the vehicle; however, it was moved to one of our properties in the event this vehicle remains unclaimed. At this time, the City does not have a fee for this type of situation. Staff will investigate our requirements for impounding a vehicle and will also reach out to local towing companies to inquire on their per day rates for secure impound facilities. On-going.

e) Parking Ticket Fee Initiative

Shelly Zubyck brought forward an initiative that was recently approved in the City of Barrie for the month of February to assist local restaurants who are closed for indoor dining as part of the most recent Covid-19 restrictions. The initiative is that anyone who receives a parking ticket in the month of February could come to City Hall with their ticket and a receipt from a local restaurant for a recent purchase of take-out food. In exchange for their support at a local restaurant, the parking ticket fine would be removed. The City has previously done something similar with “Toys for Tickets”. The Committee was not in favour of supporting this initiative.

10. NEXT MEETING

The next Protection to Persons and Property Committee meeting is scheduled for February 16, 2022 at 1:00 p.m.

11. ADJOURNMENT

Recommendation PPP-2022-004

Moved by: Councillor Mike McArthur

Be it resolved that:

The Protection to Persons and Property Committee meeting is adjourned at 1:45 p.m.

CARRIED

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

2. ROLL CALL

PRESENT:	Councillor Doug Jelly (Chair) Mayor Carman Kidd Councillor Danny Whalen Chris Oslund, City Manager Steve Burnett, Manager of Environmental Services Mitch McCrank, Manager of Transportation Services Jamie Sheppard, Transportation Superintendent Kelly Conlin, Deputy Clerk (Committee Secretary)
REGRETS:	Darrell Phaneuf, Environmental Superintendent

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

Remove Closed Session

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5. APPROVAL OF AGENDA

Recommendation PW-2022-001

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee agenda for the January 19, 2022 meeting be approved as amended.

CARRIED

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation PW-2022-002

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee minutes for the December 15, 2021 regular meeting be adopted as presented.

CARRIED

7. NEW BUSINESS

a) Public Works Department Update

Staff updated the Committee on current operations within the Department, including equipment updates and year to date water breaks.

b) Household Hazardous Waste Collection Event

Recommendation PW-2022-003

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee hereby recommends Council consider entering into agreements with Product Care and AMS for funding related to material collected at the Household Hazardous Collection Event in June 2022.

CARRIED

c) 2022 ICI Water Meter Project

Staff has received the proposal from Neptune in the amount of \$480,000 for the installation of water meters. This is within the amount that has been budgeted for this project. The recommendation would be to proceed with the proposal from Neptune as they have been involved with this project from the beginning. Staff will provide Council with a sole source justification report as part of the Administrative Report.

Recommendation PW-2022-004

Moved by: Councillor Danny Whalen

Be it resolved that:

The Public Works Committee hereby recommends Council consider entering into an agreement with Neptune for the supply and installation of water meters within ICI Properties and Multi-residential Establishments containing 3 or more units.

CARRIED

d) New Liskeard Landfill Expansion

The RFP for the New Liskeard Landfill expansion has been released and closes on January 25, 2022.

8. ADJOURNMENT

Recommendation PW-2022-005

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee meeting is adjourned at 9:21 p.m.

CARRIED

Next meeting: February 16, 2022 @ 8:30 A.M.

1. CALL TO ORDER

Meeting called to order at 6:32 P.M.

2. ROLL CALL

PRESENT:	Councillor Mike McArthur (Chair) Mayor Carman Kidd Councillor Jesse Foley Matt Bahm, Director of Recreation Paul Allair, Manager of Parks & Facilities Jeff Thompson, Manager of Programming Simone Holzamer, Public Appointee Chuck Durrant, Public Appointee Robert Ritchie, Public Appointee Kelly Conlin, Deputy Clerk (Committee Secretary)
REGRETS:	Chris Oslund, City Manager Richard Beauchamp, Public Appointee Danny Lavigne, Public Appointee

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

None

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

5. APPROVAL OF AGENDA

Recommendation RS-2022-001

Moved by: Mayor Carman Kidd

Be it resolved that:

The Recreation Committee agenda for the January 10, 2022 meeting be approved as printed.

CARRIED

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation RS-2022-002

Moved by: Councillor Jesse Foley

Be it resolved that:

The Recreation Committee minutes of the November 8, 2021 meeting be approved as presented.

CARRIED

7. CORRESPONDENCE

8. UNFINISHED BUSINESS

a) Active Transportation Plan

Staff provided the Committee with an update in regards to the recently adopted Active Transportation Plan. For 2022, staff will be implementing some of the recommendations such as the hiring of a Co-Op student (part time) and developing Active Travel Programming. Staff recently purchased additional bollards for use on the STATO trail.

For the Co-Op position, staff will be seeking an individual who is in relevant post-secondary programming. Staff will be advertising for the position within post-secondary institutions. The job posting will also be posted locally. The position will be for 4-month duration

b) Arena Users Liability Insurance

Staff is still working on finalizing the policy. Once complete, it will go to Council for their approval.

9. NEW BUSINESS

a) Public Health Restrictions

Matt Bahm summarized the current Public Health restrictions and what and how municipal facilities are impacted by the closures. There are no restrictions for outdoor activities, so Recreation staff have been busy with the outdoor rinks and the preparation of the skating Path.

b) Programming Update (Verbal)

Jeff Thompson advised the Committee that all programming is temporarily on hold with the current restrictions.

c) Parks and Facilities Update (Verbal)

Paul Allair provided the Committee with an update in regards to current operations within Parks and Facilities. As previously mentioned, staff are busy with the outdoor rinks and preparation of the skating path. Building Maintenance has also been checking in on all our buildings during the colder weather.

d) Directors Update

Staff is getting started with 2022 approved projects, whether that is preparing tender documents or applying for various funding opportunities. 2022 budgeted projects include: Completions of the accessibility upgrades at the Don Shepherdson Memorial Arena and Rotary Splash Pad, Pool Fitness Centre Flooring, and Shelley Herbert Shea Memorial Arena Chiller replacement.

10. NEXT MEETING

The next Recreation Committee Meetings are will be scheduled as follows:

- February 14, 2022

11. ADJOURNMENT

Recommendation RS-2022-003

Moved by: Rob Ritchie

Be it resolved that:

The Recreation Committee meeting is adjourned at 7:10 p.m.

CARRIED

2022 ROMA Conference Report:

Submitted to Council by Carman Kidd

I attended virtually this year's Roma conference on January 24/25, 2022. Certainly not the same as in person, but that's the reality with Covid.

The key note speaker was Chief Perry Bellegarde, who talked about the need for municipalities and indigenous peoples to work together.

AMO's Jamie McGarvey give a brief outline of their 8-point plan for the next 4 years, and Premier Ford outlined his governments major funding programs like High-Speed Internet, Affordable Housing and OCIF.

I took part in a concurrent session on Community Safety and Well Being plans, with presentations from the Manitoulin/Sudbury Social Services Association and the Almer/ Elgin/ St. Thomas region. Each had the same priorities, being mental health, affordable housing, domestic violence, seniors' services, substance abuse and education. Much time and money were spent on these plans with much of the implementation being put on hold, because of limited staffing at all agencies and the effects of Covid. Almer/ Elgin/ St Thomas has an advisory committee comprised of 159 various agencies and individuals.

I also listened in on a session on Homelessness in Rural and Northern Ontario. Presenters were from Laurentian and Lakehead Universities, and the Cochrane District Social Services Administration Board, who are part of the Ontario Municipal Social Services Association. Homelessness, whether that be absolute or hidden, is a real issue across the North - especially in our Indigenous populations. With inflation and rent increases this issue is only going to get worse. Average wait times for mental health residents is 102 days in Cochrane. As people get released from Institutional, Correctional, and Child Welfare services, many end up homeless. NIMBYism ("Not In My Back Yard") is still a big problem when developing projects to address homelessness.

A couple sessions were led by ROMA on the Post Covid Recovery, encouraging Municipalities to work together to provide:

- digital connectivity with new investments
- transportation infrastructure
- labour force retention
- affordable and seniors housing
- access to services such as long-term care
- collaboration of health care services
- local supply chains vs World supply chains
- space to build industrial and commercial businesses.

I also took in a session entitled "Taking the Pulse on Rural Health". Different speakers talked about the need to attract physicians, locums and medical students as well as

providing adequate housing and internet services. They also encouraged municipalities to promote NOSM, Ontario Health Teams and our local Public Health Units with local input. There was much talk about the affect of Covid on the mental health of our residents, with an increase in the usage of alcohol, drugs and opioids.

Climate Change and Municipalities was another topic discussed, encouraging municipalities to put a climate lens on all aspects of their operations. This included land use planning, green infrastructure, green buildings, tree planting and organic separation, just to name a few ideas. The lack of funding and staffing was a major drawback to developing and implementing Green Energy Plans.

There were some campaign style program announcements such as the Red Program, OCIF, high speed internet, and affordable housing.

Respectfully submitted by:

Carman Kidd
Mayor
City of Temiskaming Shores

Memo

To: Mayor and Council
From: James Franks
Date: February 1, 2022
Subject: Fed Nor Funding Amendment - Bilingual Project Coordinator – Project No. 39E-511659 – Amendment No. 4
Attachments: Appendix 01: Draft By-law Amendment (**Please refer to By-law No. 2022-010**)

Mayor and Council:

During the 2022 budget process it was determined that some of the projects requested within the budget submission could not be supported due to lack of funds. Staff worked with Fed Nor to amend the Building Ties project funding to get some additional funding support to enable the City to complete these tasks in 2022 but with no additional cost to local ratepayers.

The projects listed below are what was requested as the amendments to the funding:

Forestry

We would like to support some Forestry employers to attend the DEMO 2022 which was rescheduled from 2020 due to COVID. We would work with a sector specific consultant to round up participants and support them to attend the event. In addition, we would attend the Forests Ontario AGM to attract more workforce for our forestry sector employers. We would also like to continue to provide the awareness articles in the area newspaper to assist in promoting the industry to the general public.

Agriculture

We would like to continue on the growth of the Northeast Bites program. This year will focus on rebuilding the Northeastern Ontario presence at regional food festivals such as Foire Gourmande, the North On Tap Craft Beer festival and Feast on the Farm. These events have been cancelled for the past two years and will require some additional push to get food producers back out to participate.

We will contract with a local agri-food expert to move the program forward and have them work with producers to ensure that our participants receive value in the program. This

portion of the project would include the development of standardized booths and equipment to be used by the vendors to ensure a consistent brand for regional producers.

Tourism

One project would be to contract a consulting firm to create a business plan for the development of Devils Rock as a premier tourism site for the region. This site has the potential to be a regional tourism attraction to draw more tourists to the region while having little operating costs to make it more sustainable. The plan will consider the development of the trail system, parking, signage, accessibility and perhaps even the installation of a unique deck at the cliff's edge.

The second piece of the tourism project would see the installation of an electrical vehicle charger on the Haileybury waterfront. This technology would enable us to promote the ability for tourists traveling through the north using electrical vehicles to encourage them to come to the waterfront to spend some time there while their vehicle recharges. Our community is located exactly 500km from Toronto and that is generally the maximum distance that most electric vehicles can travel on a charge.

Below is a budget as to how the funds will be expended within the 2022 budget. The City's \$15,000 is included within the current economic development budget and has leveraged the other 90% of the project funding.

\$15,000 – Forestry – Advocacy, Advertising, Forests Ontario AGM support and coordinate Demo 2022

\$50,000 – Tourism Development Study – Devil's Rock

\$50,000 – Agriculture – Agri Food development – Northeast Bites program

\$50,000 – Electric Vehicle Charger on Haileybury waterfront

Total \$130,000 Fed Nor amendment, \$15,000 City and \$20,000 from other project partners for total project costs of \$165,000.

It is recommended that Council direct staff to prepare the necessary by-law to amend By-law No. 2018-130 regarding the funding agreement with Industry Canada (FedNor) for a bilingual Project Coordinator – Project No. 39E-511659 – Amendment No. 4, for consideration at the February 1, 2022 Regular Council meeting.

Due to these amendments, particularly with project timelines, a provision has been included in the proposed amending by-law, to recommend that the Mayor and Clerk have the delegation of authority to execute any and all required documentation and amendments, on behalf of the City of Temiskaming Shores, as required under the



Contribution Agreement, as long as the amendments do not create any financial liability for the City that is beyond a budget approved by Council.

Prepared by:

Reviewed by:

Reviewed and submitted for Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

James
Economic Development
Officer

Shelly Zubyck
Director of Corporate
Services

Christopher W. Oslund
City Manager

Memo

To: Mayor and Council
From: Jennifer Pye, Planner
Date: February 1, 2022
Subject: Deeming By-law Application for Fiset – 474 and 480 Helmer Pedersen Drive; PLAN 54M365 LOTS 23 and 24
Attachments: Appendix 01: Deeming By-law Application Form

Mayor and Council:

Hayden Fiset has submitted a request for a deeming by-law for property he is seeking to purchase located on Helmer Pedersen Drive in the subdivision area known as the Cosman Crescent extension. The properties are currently owned by Pedersen Materials Ltd. (the developer of the subdivision) and Mr. Fiset has been authorized to make the application as approval of the deeming by-law is a condition of the purchase agreement. Mr. Fiset intends to construct a residential dwelling that would span both properties and indicates in the application form that there are no lots remaining in this subdivision that are adequately sized to allow for the proposed construction. Both lots have approximately 22.8 metres (74.8') of frontage on Helmer Pedersen Drive and vary in depth from 41.8 metres (137') to 43.3 metres (142'). If combined, the overall lot will have 45.5 metres (149.3') of frontage and an area of 2,012.76 metres square (21,665 square feet).

The subject property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan. Section 4.5.9 of the Official Plan states: *“Deeming of lots in existing subdivisions will not be considered where lots are integral to the settlement pattern and available infrastructure; however deeming may be used to prevent scattered and inefficient development.”* The plan of subdivision establishing these lots was registered in 2010. Services were installed based on the layout and location of the individual lots, so each lot is fully serviced with municipal water and sewer services to the property line. The lots are generally in keeping with the size of other lots in the vicinity, and are actually larger than many adjacent lots. Given that the subdivision is relatively new when considering other areas of the City, as well as the fact that each lot is individually serviced, staff is of the opinion that the request does not meet the requirements of Section 4.5.9 of the Official Plan as stated above.

Based on this information, it is the recommendation of staff that Council deny the deeming by-law request.

The request was reviewed by the Protection to Persons and Property Committee at their meeting on January 19, 2022, and the following resolution was passed:



Recommendation PPP-2022-003

Moved by: Councillor Doug Jelly

Be it resolved that the Protection to Persons and Property Committee acknowledges the presentation and recommendation from the City's Planner;

That the PPP Committee is of the opinion Lots 23 and 24 on Plan 54M365 (Helmer Pederson Drive) are not integral to the settlement pattern and available infrastructure; and that deeming the two lots would prevent scattered and inefficient development; and

Further that the PPP Committee hereby recommends that Council consider approving the request to deem Lots 23 and 24 on Plan 54M365 (Helmer Pederson Drive) as no longer being Lots on a Plan of Subdivision.

CARRIED

Should Council decide to approve the deeming by-law request staff will present a by-law for consideration at the February 15, 2022 regular Council meeting.

Prepared by:

Reviewed by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Jennifer Pye, MCIP,
RPP
Planner

Shelly Zubyck
Director of Corporate
Services

Christopher W. Oslund
City Manager

**Application for Deeming By-law
Under Section 50(4) of the Planning Act**

Approval authority:
Council of the City of Temiskaming Shores

Fee: \$200 + 13% HST
= \$226.00
+ legal and land titles fees required to register by-law
(billed directly from solicitor)

Office Use Only
File No.: <u>0-2022-01</u>
Date Received: <u>January 25, 2022</u>
Roll No.: 5418- <u>010-000-005.43 / 42</u>

1. Owner Information

Name of Owner: Pedersen Materials LTD.
Mailing Address: 177246 Bedard Road New Liskeard, ON P0J 1P0
Email Address: [REDACTED] Phone: [REDACTED]

If more than one registered owner, please provide information below (attach separate sheet if necessary):

Name of Owner: _____
Mailing Address: _____
Email Address: _____ Phone: _____

2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):

Name of Agent: Hayden Fiset
Mailing Address: [REDACTED]
Email Address: [REDACTED] Phone: [REDACTED]

3. Please specify to whom all communications should be sent:

Owner Applicant/Agent

4. Property Information

a. Location of the subject land:

Dymond New Liskeard Haileybury

Municipal Address 474 and 480 Helmer Pedersen
Legal Description (concession and lot numbers, reference plan and lot/part numbers) <small>LOT 23, PLAN 54M365; CITY OF TEMISKAMING SHORES; DISTRICT OF TIMISKAMING SUBJECT TO AN EASEMENT IN GROSS OVER PT 9 54R5472 AS IN DT25535 SUBJECT TO AN EASEMENT IN GROSS OVER PT 4 54R5475 AS IN DT27505; AND LOT 24, PLAN 54M365; CITY OF TEMISKAMING SHORES; DISTRICT OF TIMISKAMING SUBJECT TO AN EASEMENT</small>

b. Date the property/properties were acquired by the current owner: July 2010 (subdivision was registered)

c. Are there any easements or restrictive covenants affecting the property/properties?

Yes No

If yes, describe the easement or covenant and its effect:

3m storm sewer easement across south portion of both lots and 1.5m storm sewer easement along east portion of lot 24
--

5. Reason a deeming by-law is required:

Nature of proposed build and property layout will span the property line between lot 23 and 24. There are no longer any lots in the Cosman subdivision that would support the proposed build.

6. Registration of By-law

If approved the deeming by-law must be registered on title to the property/properties to which it applies. The City will send the approved by-law directly to the lawyer of the applicant's choosing to ensure registration. The applicant is responsible for all fees associated with the registration of the by-law.

Name of Lawyer: Paul Crombeen

Name of Firm: Kemp Pirie Crombeen

Mailing Address: P.O. Box 1540, 22 Armstrong Street North, New Liskeard, ON P0J 1P0

Email Address: pcrombeen@kempirie.com Phone: (705) 647 7353

7. Applicant/Agent Authorization

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, Terry Pedersen are the registered owners of the subject land and I/we hereby authorize Hayden Fiset to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: January 19, 2022

Signature of Owner: 

Date: _____

Signature of Owner: _____

8. Authorization for Site Visits

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.



Applicant Initial

Applicant Initial

9. Notice re: Use and Disclosure of Personal Information

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.



Applicant Initial

Applicant Initial

10. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Hayden Foet of the Temiskaming Shores
in the District of Timiskaming make oath and say
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the City of Temiskaming Shores
in the District of Timiskaming
this 25th day of January, 2022


Signature of Applicant


A Commissioner for Taking Affidavits

Subject: Markey Consulting Service
Proposal 2022 – 2024

Report No.: CS-003-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Single / Sole Source Justification Form

Appendix 02: Draft By-law (**Please refer to By-law No. 2022-011**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-003-2022; and
2. That Council directs staff to prepare the necessary by-law to enter into an agreement with Markey Consulting for event planning services of the Northern Ontario Mining Showcase at PDAC 2022, 2023 and 2024 at a rate of \$650 per exhibitor plus taxes pending funding approval from Fed Nor for consideration at the February 1, 2022 Regular Council meeting.

Background

The City has led the Northern Ontario Mining Showcase event at PDAC for seven years now. Markey Consulting has been working with us as the event coordinator for the entire project and has provided nothing but excellent service and fantastic results. For the past five years, the contract has paid \$600 per exhibitor.

Analysis

It is being recommended that Council consider entering into a new three year agreement with Markey Consulting as the NOMS Coordinator since the project has been extremely successful and that in a large part to Marla's work and connections in the mining supply industry. This single sourcing procedure is allowed under our Purchasing Policy using the Single / Sole Source Justification Form, attached as Appendix 02.

Markey's service proposal requests a small increase to the current agreement in which they are paid \$650 per exhibitor within the NOMS as a fee for service to coordinate the event. Their service proposal for 2022 to 2024 is attached as Appendix 01.

Markey has completed the work over the past five years at a rate of \$600 per exhibitor and we have been extremely pleased with the company's work. After five years and some fairly significant changes to the way that the event is coordinated and managed, Marla has requested an increase to her annual fees to coordinate the event.

Again in 2022, there will be significant challenges to coordinating the event and managing the pavilion in a way that can be done safely and effectively while still providing value to the 110 exhibiting businesses.

Relevant Policy / Legislation / City By-Law

- 2021 Corporate Services Budget
- Purchasing Policy

Consultation / Communication

- None

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

The City's contract with Markey Consulting will increase from the current rate of \$600 per exhibitor to \$650 per exhibitor. These costs will all be covered within the Fed Nor contract to host the Northern Ontario Mining Showcase at PDAC.

Staff time from the Economic Development Officer will be required to ensure this project is successful.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

James Franks
Economic
Development Officer

Shelly Zubyck
Director of Corporate
Services

Christopher W. Oslund
City Manager

Single / sole Source Justification

Attach this completed form to requisitions when competitive bids are not solicited.

Requested Single/Sole Source Supplier:

Company Name: Markey Consulting

Contact Name: Marla Tremblay

Address: 503 Champagne Road

City: Sturgeon Falls Prov: ON Postal Code: P2B 2L9

Phone Number: (705) 499 - 6267 E-mail: mtremblay@markeyconsulting.com

<input type="checkbox"/> Sole Source	<input type="checkbox"/> Single Source	<input checked="" type="checkbox"/> No Substitute
(No other known source or the only source meeting specification requirements)	(Only the designated Supplier is acceptable, others may exist)	(Specified item is required due to uniqueness, research continuity, etc.)

Description of Product or Service:

Markey Consulting has been providing event coordination services for us at PDAC since 2014. The company's relationships with mining suppliers has made the event successful.

Estimated Cost: \$

71,500 / year for 3 year agreement

Complete the following checklist:

A specific contractor is the only source of the required item because (check all that apply):

- The required items are **proprietary to the Contractor**
- A specific item is needed:
 - To be compatible or interchangeable with existing hardware;
 - As spare or replacement hardware;
 - For the repair or modification of existing hardware, or
 - For technical evaluation or test.
- There is a **substantial technical risk** in contracting with any other contractor (e.g. only one contractor has been successful to date in implementing a difficult manufacturing process.)
- For support services effort, there is no reasonable expectation that a meaningful cost or other improvement could be realized over the incumbent contractor's performance (e.g. the chances of another firm winning a competition are clearly remote).

Explain why the recommended company is the only company that can meet the requirement. Address the following: Are there any other companies who can do this job? What condition exists so that the recommended company has a significant advantage over any other company who can do this job?

It is important to sufficiently address the key reason for awarding an order without soliciting competitive bids. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions.

Markey Consulting has been coordinating the Northern Ontario Mining Showcase for us at PDAC since 2014 and has been instrumental in finding potential exhibitors and expanding the size and scope of the event. It is recommended that we keep the same consulting firm on for continuity with the exhibitors and partners alike.

Requested by: James Franks January 18, 2022
Department Head Date

Reviewed by: _____
City Manager Date

Endorsed by: _____
Council Date

Subject: Agreement with Fed Nor – Northern Ontario Mining Showcase at the CIM convention and tradeshow (May 1-4, 2022)

Report No.: CS-004-2022

Agenda Date: February 1, 2022

Attachments

- Appendix 01:** Final Report from NOMS at the virtual CIM 2021
Appendix 02: Letter from Fed Nor Contribution Agreement
Appendix 03: Draft By-law (**Please refer to By-law No. 2022-012**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-004-2022; and
2. That Council directs staff to prepare the necessary by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow held in Vancouver from May 1 – 4, 2022 in the amount of \$157,500, for consideration at the February 1, 2022 Regular Council meeting.

Background

The City has led the very successful Northern Ontario Mining Showcase at the PDAC conference for the past 7 years. The event is extremely successful garnering millions of dollars in new sales annually for Northern Ontario mining supply and service companies.

Over the past six years of the event companies have reported additional sales of over \$74 million and created almost 600 new jobs across Northern Ontario. With 10% of the attending businesses based in Timiskaming, it provides an estimate of the benefit to our own region.

In 2019, the City led a successful small delegation of businesses to the CIM event held in Montreal. In 2020 the CIM event was cancelled due to COVID and in 2021, the event

was held virtually, which was less successful for the suppliers that participated, however most were satisfied with the project.

Analysis

The Canadian Institute of Mining, Metallurgy and Petroleum (CIM) has announced that the 2022 conference will be held in person at the Vancouver Convention Centre from May 1 – 4. For this reason, we will be working with Fed Nor to coordinate the on-site event.

This year’s event will be in person and we expect that there will be 26 exhibitors within the pavilion. Registration is currently underway and plans are coming together for the pavilion which will look a little different this year in an effort to space out the exhibitor pods.

The pavilion is anticipated to be much smaller as not all of the mining suppliers do business on the West Coast or in Asia which is where more of the international clients will come from. Those businesses that do want to build a business model for western north American clients and those in Asia are excited for this new opportunity.

The pavilion will be set up very similarly to the Northern Ontario Mining Showcase at PDAC to make it easy for previous clients to recognize the exhibit and participating businesses. We will in fact be using the same supplier who owns the current equipment that is used at PDAC. He will be shipping the equipment out to Vancouver and setting up the exhibit for us there.

Relevant Policy / Legislation / City By-Law

- 2021 Corporate Services Budget

Consultation / Communication

- Consultation with Fed Nor and City Treasurer throughout the project

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

The City has no cash contribution to this project.

All costs for the Northern Ontario Mining Showcase are covered by Fed Nor and the private sector businesses who exhibit at the pavilion.

During the 2022 budget deliberation process, Council approved this amount within the Economic Development Budget.

Staff time from the Economic Development Officer will be required to ensure this project is successful. Although an event coordinator is hired as part of the project costs, municipal staff are required to manage and provide administration for the project.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

James Franks
Economic
Development Officer

Shelly Zubyck
Director of Corporate
Services

Christopher W. Oslund
City Manager

**NORTHERN ONTARIO
MINING SHOWCASE**

**SALON MINIER
DU NORD DE L'ONTARIO**

2021 Northern Ontario Mining Showcase at CIM

Project Report

City of Temiskaming Shores

6/28/2021



Canada



Table of Contents

1.0 Executive Summary.....	2
2.0 About the Project.....	3
2.1 The 2021 Northern Ontario Mining Showcase Team	3
2.1 Goals and Objectives.....	3
2.3 Exhibitors	4
2.4 Marketing and Promotion.....	4
3.0 Summary of Findings.....	4
3.1 Measures & Key Performance Indicators	4
3.2 Project Benefits & Outcomes.....	8
3.3 Success Factors	8
4.0 Appendices.....	9

1.0 Executive Summary

The first edition of the Northern Ontario Mining Showcase (NOMS) at CIM was held from May 3-6, 2021, as part of the Canadian Institute of Metallurgy and Mining, Metallurgy and Petroleum's Annual Convention and Expo virtual convention. With funding support from FedNor and individual exhibitor contributions from participating companies in the amount of \$500 each, the virtual pavilion project was coordinated by the City of Temiskaming Shores. The showcase provided a unique opportunity to Northern Ontario Mining Supply and Service companies to promote their products and services to an international audience via an online platform.

Quick Facts

Event Name	2021 Northern Ontario Mining Showcase at CIM– <i>Virtual Edition</i>
Date	May 3-6, 2021
Location	https://convention.cim.org/
Pavilion Footprint	25 virtual booths
Total # of CIM Attendees	2133
Profile of NOMS 2021 at CIM Exhibitors	TOTAL # of NOMS Exhibitors- 25 Indigenous - 1 Women (Operated / Focused) – 2 Private Sector - 20 Not for Profit – 5
Geographic Breakdown of NOMS 2021 Exhibitors	<ul style="list-style-type: none">○ Greater Sudbury - 12○ North Bay - 4○ Sault Ste-Marie - 1○ Temiskaming Shores – 3○ Thunder Bay - 1○ Timmins - 1○ Mandate of Northern Ontario - 3

The goal of the project was to build on the success of the Northern Ontario Mining Showcase at PDAC and the pilot event held at CIM in 2019. The objective of hosting these events has been to provide support to Northern Ontario SMEs within the mining sector in leveraging new business through identifying potential partners, opportunities and networks. The intent being to demonstrate firsthand that collectively Northern Ontario firms have the expertise, capacity and infrastructure to service the requirements of various small and large-scale mining projects. It is also important for prospective clients to understand the compatibility, synergies and “culture” between the manufacturing / supply sector of Northern Ontario and companies worldwide. This continues to enable business in the North to showcase their level of innovation and technology to the global marketplace thus resulting in an increased capacity to access new markets. In addition to providing exhibitors with an opportunity to promote their products and services to companies and jurisdictions from throughout the world, the Showcase also provides an ideal venue for partnership development between Northern firms.

2.0 About the Project

2.1 The 2021 Northern Ontario Mining Showcase Team

The project is led by The City of Temiskaming Shores who work together with FedNor staff to set the direction of the event and play a direct role in engaging Small and Medium Enterprises and organizations to participate as exhibitors. The City works with its network of partners throughout the north to promote the event prior to and on site to potential attendees to attract people and companies to the showcase. A third-party event coordinator, Markey Consulting, manages logistics and helps promote the event to prospective exhibitors and attendees.

2.1 Goals and Objectives

The overall goal of the Northern Ontario Mining Showcase (NOMS) project is to provide support to Northern Ontario Small and Medium Enterprises within the mining sector in leveraging new business through identifying potential partners, opportunities, and networks. The intent is to demonstrate firsthand that collectively Northern Ontario firms have the expertise, capacity and infrastructure to service the requirements of various small and large-scale projects. It is also important for prospective clients to understand the compatibility, synergies and “culture” between the manufacturing / supply sector of Northern Ontario and companies worldwide. This enables businesses in the North to showcase their level of innovation and technology to the global marketplace thus resulting in an increased capacity to access new markets. In addition to providing Small and Medium Enterprises with an opportunity to promote their products and services to companies and jurisdictions from throughout the world, the Showcase also provides an ideal venue for partnership development between Northern firms.

The online format also provided similar opportunities for interaction. It also resulted in enhancing the digital presence of NOMS exhibitors through training and website improvements. This increased capacity will enable companies to interact with potential leads and prospects from around the world using digital applications. It also provided them with tools and knowledge related to online promotion. Given that travel has been practically non-existent and will continue to be limited for many months to come, the ability to connect virtually is critical to ongoing business activities.



2.3 Exhibitors

Exhibitors consisted of organizations and companies from Northern Ontario that provide products and services to the mining industry. A list with description and source community of participating exhibitors can be found in the NOMS at CIM directory (Appendices).

2.4 Marketing and Promotion

Various tools and tactics were utilized to promote the event to recruit participants and attract attendees including direct contact and cold calls, e-mail blasts, social media and the NOMS website.

In addition to marketing efforts, the coordinator, City, and FedNor staff utilized their networks to get the word out prior to and during CIM 2021. During the show itself, the event was promoted to CIM attendees via direct contact, direct messaging and social media.

A custom [Northern Ontario Mining Showcase video](#) encouraging attendance was created for the CIM virtual convention. This was shared via social media and uploaded to the NOMS virtual booth.

To promote participants, a bilingual event directory with exhibitor and partner listings was created. A significant social media campaign promoting the NOMS and our exhibitors was undertaken prior to, during, and post event. Also, the directory was sent directly to each individual that visited the NOMS virtual booth post CIM.

3.0 Summary of Findings

3.1 Measures & Key Performance Indicators

At the outset of the project, it was determined that the event would be deemed successful based on outcomes related to the following Key Performance Indicators (KPI).

Number and type of participants:

It has been reported that 2,133 people attended the CIM virtual convention. While typically the event sees approximately 5,000 attendees, by all accounts, those that did participate provided quality leads to NOMS exhibitors. Analytics provided indicate that Northern Ontario Mining Showcase / FedNor booth saw 214 visits.

Number of businesses and company reps participating in the NOMS:

We were quite pleased to have met our target number of exhibitors for the virtual version of the Northern Ontario Mining Showcase which had been set at 25. Given the tight timelines, the registration process was simplified for 2021 with eligibility being automatically granted to past NOMS exhibitors and a two-step application for those that had not exhibited in a NOMS event in the past.

Increased Digital Capacity of Northern Ontario Mining Supply and Services Firms:

The online format resulted in enhancing the digital presence of NOMS exhibitors through training and website improvements.

The project saw the complete redevelopment of 1 website, including updated content, images, contact form and social media integration.

Trained 10 businesses on social media techniques and tactics. Training session was recorded and will be included in the resources section of the NOMS website as a tool for businesses.



Ongoing / Long Term Return on Investment

Long term outcomes will be gauged over the coming months and years. All 2021 participants will be surveyed again based on the following KPI when registering for 2022.

- Number of businesses exporting or increasing export sales
- New markets accessed
- Increase in overall sales
- Physical expansion of business
- Number of jobs created and / or maintained
- Number of new partnerships and alliances created

- Number businesses offering, planning to offer or accessing value-added and/or knowledge-based products and services; and
- Number of collaborative projects undertaken and # of stakeholders involved.

3.2 Project Benefits & Outcomes

Overall, the project has been deemed a success with partners and exhibitors indicating that their participation generated valuable contacts. Listed below are the key benefits generated as a result of participating in the showcase:

- Networking with other showcase exhibitors to identify synergies with existing clients
- Networking with showcase visitors and attendees to generate leads and sales
- Networking with community partners to identify potential for partnership projects
- Networking with government representatives to build relationships and learn about programs available for expansion and innovation
- Relationship building with existing clients (exhibitors and attendees)
- Information and learning opportunities provided via speaker series
- Enhanced promotion and awareness generated through social media program
- Significant increase in followers of NOMS social media channels

One of the methods utilized to measure the success of the initiative included a post-event survey, the results of which have been summarized in section 3.3 Success Factors.

3.3 Success Factors

Surveys were completed by NOMS exhibitors to deem the level of value placed on their respective participation in the virtual Showcase at CIM. These surveys include questions regarding value of showcase, quantity of leads and sales generated, likelihood of participating in future programs, value of contacts made, potential for business opportunities generated, etc. The results are outlined below:

Value of showcase to participants (satisfaction survey results)

How useful / valuable was this event to your business or organization?

Extremely useful / valuable	9%	Slightly useful / valuable	14%
Very useful / valuable	18%	Not at all useful / valuable	14%
Moderately useful / valuable	45%		

Approximately how many business leads did you generate as a result of this event?

1-5 useful leads / contacts	59%	21-40 useful leads / contacts	0%
6-10 useful leads / contacts	9%	41+ useful leads / contacts	0%
11-20 useful leads / contacts	5%	We did not generate any	27%

Do you anticipate an increase in your export activities as a result of your participation in the 2021 Northern Ontario Mining Showcase at CIM?

yes 45% no 55%

Did you or any of your company representatives take advantage of the CIM Convention technical sessions and presentations?

yes 77% no 23%

How has your online presence increased or improved as a result of participating in the virtual event?

We have started using social media as a result of the event and training provided 9%

We used social media prior to the event but have significantly increased our presence as a result 32%

We have enhanced our website to better showcase our products and services 36%

We are now more familiar and comfortable using virtual meeting platforms such as Zoom 32%

No change – our digital presence was strong prior to the event 45%

3.3 Key Success Factors

Overall concept

Hosting a Northern Ontario mining exhibit as part of CIM works very well. Having a captive audience provides a source of qualified attendees which ensures value for the exhibitors and partners. This also provides exhibitors and partners with an opportunity to visit the CIM floor and attend client events thereby generating an additional benefit for their participation. While the virtual format did pose some challenges, it did provide excellent opportunities to share content and connect directly with target individuals.

Communications

Communications were key to attracting positive attention. FedNor staff was engaged in the planning process from the outset which resulted in additional media coverage. The enhanced social media program, which included content in both official languages, was hugely successful and beneficial to exhibitors and the NOMS. The assets developed as part of this program will be used throughout the year for ongoing promotion.

Venue

Our relationship with CIM has become quite strong. We understand the value that the event provides in terms of getting Northern Ontario business onto the world stage while CIM understands the value in working with NOMS from both a financial and human resource perspective. Due to this relationship, CIM provided the NOMS with a dedicated exhibit space on their virtual platform. They also enabled us to incorporate the NOMS brand within all of our exhibitor booths. This made it much easier to locate the showcase and our exhibitors. It also helped us to continue building brand recognition.

In addition to exhibitors, there was a dedicated Northern Ontario Mining Showcase / FedNor booth manned by FedNor and City of Temiskaming Shores staff. This was also of great value, seeing a steady stream of people inquiring about various funding programs and development opportunities. Of the attendees that opted in to sharing their contact info, a total of 18 individuals left their virtual business cards.

Planning Team & Onsite Support Staff

The planning team ensures that businesses are aware of the event and provided with information to register and participate. In addition, the team members have previous experience in hosting events at PDAC and therefore provide leadership and guidance. They also provide essential support at the event itself in addition to promoting the pavilion onsite.

NOMS Directory

The NOMS directory is our primary tool to share information about our exhibitors. This bilingual directory is a listing of all NOMS exhibitors and includes details such as links to their websites, a short description of their company along with icons identifying the subsectors in which they operate. Digital copies of the virtual directory can be found in the Appendices.



Coordination



Contracting the services of an experienced event planner with sector knowledge and a large network is key to the success of the event. Given the timeline and that the planning team members have numerous portfolios and responsibilities, the support of a coordinator to assist in organizing the event helps ensure that things are kept on track. Markey Consulting has provided excellent service since 2015 in planning NOMS events at PDAC and now CIM.

Website

As per the recommendations following the 2019 PDAC event, the northernontariomining.com website was revamped to incorporate sections geared to both NOMS exhibitors, and attendees. The website is an excellent tool for promoting the event and serves as a one stop location for exhibitors to access information regarding registration and participation. The site highlights past successes and includes an FAQ, a downloadable exhibitor manual, an image gallery as well as stats and facts about the NOMS. The website also serves to collect information from companies looking to exhibit in future years thus creating a database of potential participants.

Enhanced Digital Media Program

The services of a professional digital marketing firm were contracted for CIM 2021. Given that the event was virtual, emphasis was placed on social media as a means of promoting both the NOMS and our exhibitors. The NOMS social media channels are still active and will continue to be used as a means of recruiting exhibitors and showcasing past participants.



For details on the effectiveness of this enhanced social media presence, see the full report in the Appendices.

4.0 Appendices

The following supporting documents can be found [here](#).

- NOMS CIM Exhibitor Directory – [ENG](#) / [FR](#)
- [NOMS Digital Campaign Report](#)
- [CIM Participant Data – All Users](#)



FedNor
19 Lisgar Street
Suite 307
Sudbury, Ontario
P3E 3L4

FedNor
19 rue Lisgar
Bureau 307
Sudbury (Ontario)
P3E 3L4

January 21, 2022
Project Number: 852-513725

Mr. Carman Kidd
Mayor
Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Kidd:

Re: Contribution to Corporation of the City of Temiskaming Shores

I am pleased to advise that FedNor is prepared to provide support of up to \$157,500 towards organizing the Northern Ontario Mining Showcase at CIM 2022.

Enclosed you will find a Contribution Agreement setting out the terms for our support. Please make note of section 9.0 of your Agreement referring to announcements and FedNor funding acknowledgement. You will be contacted by FedNor to arrange details for the official announcement and until then we ask that you refrain from publicly referencing or announcing the project approval. Mrs. Denise Deschamps of our North Bay office is available to answer any questions you may have and may be reached at (705) 471-3276 or toll-free at 1-877-333-6673 ext. 3276. I would ask that you return a signed copy of the contract to my attention in our Sudbury office to acknowledge your acceptance.

This Contribution Agreement is open for acceptance for 60 days from the date that appears on its face after which time it will become null and void. The date of acceptance shall be the date the duplicate copy of this Agreement, unconditionally accepted and duly executed by the Recipient, is received by my office.

May I offer my best wishes to Corporation of the City of Temiskaming Shores.

Yours sincerely,

Perreault, Lucie Digitally signed by Perreault, Lucie
Date: 2022.01.21 14:05:09 -05'00'

Lucie Perreault
Program Director
Federal Economic Development Agency for Northern Ontario (FedNor)

c.c. Mr. James Franks, Economic Development Officer

Subject: Evacuation Agreement with the Municipality of Temagami

Report No.: CS-005-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Draft By-law (Please refer to By-law No. 2022-013)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-005-2022; and
2. That Council directs staff to prepare the necessary by-law to enter into an agreement with the Municipality of Temagami in the event of a large-scale emergency evacuation situation, for consideration at the February 1, 2022 Regular Council Meeting.

Background

City staff have received a request to enter into an Evacuation Agreement with the Municipality of Temagami. The City currently has an agreement in place with the Town of Kirkland Lake. This agreement with Temagami would be identical.

Analysis

This agreement shall have no force or effect unless and until a large-scale evacuation of the Municipality of Temagami becomes necessary due to the threat of interface forest fires.

The City would only be expected to assist only to the extent it is able to do so. The City's residents and needs would be priority.

Either party can terminate the agreement upon 60 days notice.

During the January 19th, 2022 Protection to Persons and Property Committee meeting, the evacuation agreement with Temagami was discussed. The committee passed the following recommendation:

Recommendation PPP-2021-055

Moved by: Mayor Carman Kidd

Be it resolved that:

The Protection to Persons and Property Committee hereby supports entering into an evacuation agreement with the municipality of Temagami.

CARRIED

Attached as Appendix 1 is the draft lease agreement.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

As outlined in the agreement, any costs incurred by the City shall only ever be recovered from Temagami, on a cost recovery basis.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for Council's consideration by:

"Original signed by"

"Original signed by"

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager

Subject: Short-Term Accommodation Policy **Report No.:** CS-006-2022
Agenda Date: February 1, 2022

Attachments

Appendix 01: Draft By-law (Please refer to By-law No. 2022-014)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-006-2022;
2. That Council directs staff to prepare the necessary by-law to adopt a Short-Term Accommodation Policy for the City of Temiskaming Shores, for consideration at the February 1, 2022 Regular Council Meeting for 1st and 2nd reading; and
3. That Council directs staff to engage stakeholders in the public consultation of the draft Short-Term Accommodation Policy.

Background

In 2019, Staff prepared a Draft Short-Term Accommodation Policy as per Council's request. Shortly after, staff was directed to delay in the implementation due to COVID-19 and the impacts on small businesses within the tourism industry.

As per Council's request, staff are presenting the draft policy for Council's consideration and approval.

Analysis

The draft Short-Term Accommodation Policy was developed in review of established policies within other municipalities. The term short-term accommodation (STA) means the provision of a residentially zoned dwelling unit which is used for the temporary lodging of the travelling public for a rental period not greater than 28 consecutive days.

It is recognized that the use of a residentially zoned dwelling for STA purposes can take many forms ranging from a resident of the property who, from time to time, rents out the dwelling while on holiday themselves, to owners of property who continually rent the property out as investment income. The City of Temiskaming Shores has various short-term rental accommodations in the area. As such, Council recommended that staff investigate options and best practices to deal with and manage the issues that may arise

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for Council's consideration by:

"Original signed by"

"Original signed by"

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager

**TEMISKAMING SHORES FIRE DEPARTMENT
2021 ANNUAL REPORT
OFFICE OF THE FIRE CHIEF**



EMERGENCY RESPONSE SUMMARY

Total responses for the period January 1, 2021 to December 31, 2021

Total Emergency Responses (All Stations)	Total Volunteer Hours	Estimated Dollar Loss	Estimated Dollar Saved
97	1,068h	Structure - \$2,703,000 Vehicle/Other - \$535,000 Total - \$3,238,000	\$ 3,500,000

Station 1 - Incident Response Summary (35 Calls)

- 4 – Fire
- 4 – Human Malicious intent, prank
- 4 – Open Air Burning unauthorized
- 4 – Alarm System Equipment - Malfunction
- 2 – Alarm System Equipment – Accidental activation
- 1 – Human – Perceived Emergency
- 6 – CO False Alarm – Equipment Malfunction
- 1 – Other Cooking/toasting/smoke/steam (no fire)
- 1 – Overheat (no fire, e.g. engines, mechanical devices)
- 1 – Incident not found.
- 1 – Assistance to Police
- 1 – Vehicle Extrication
- 1 – Assist to Other Agency
- 2 – Assisting Other FD – Mutual Aid
- 1 – Call cancelled on route (Firstbrook Twp)
- 1 – Other Response

2021 ANNUAL REPORT

Station 2 - Incident Response Summary (36 Calls)

- 2 – Fire
- 5 – No Loss Outdoor fire
- 1 – Overheat (no fire, e.g. engines, mechanical devices)
- 1 – Open Air Burning unauthorized
- 1 – Other Cooking/toasting/smoke/steam no fire
- 8 – Alarm System Equipment - Malfunction
- 2 – Alarm System Equipment – Accidental activation
- 1 – Human – Accidental – activated by person
- 4 – CO False Alarm – Equipment Malfunction
- 4 – Other False Fire Call
- 2 – Gas Leak – Natural Gas
- 2 – Power Lines Down, Arcing
- 1 – Vehicle Collision
- 1 – Rescue no action required
- 1 – Other Public Service

Station 3 - Incident Response Summary (26 Calls)

24 calls Dymond

- 5 – Fire
- 1 – No Loss Outdoor fire
- 1 – Other pre fire condition no fire
- 5 – Alarm System Equipment - Malfunction
- 1 – Alarm System Equipment – Accidental activation
- 1 – Overheat (no fire, e.g. engines, mechanical devices)
- 1 – Other Cooking/toasting/smoke/steam no fire
- 1 – CO False Alarm – Equipment Malfunction
- 2 – Spill – Gasoline or Fuel
- 1 – Vehicle Extrication
- 1 – Vehicle Collision
- 1 – Other Rescue
- 3 – Call cancelled on route

2 calls Harris Township

- 1 – Fire
- 1 – Gas Leak - Propane

2021 ANNUAL REPORT

FIRE PREVENTION

Fire safety inspections conducted for the period of January 1 – December 31, 2020

Request	Complaint	Routine	Licensing	Follow-up	Annual	Burning Permits	Total Inspections
36	33	115	1	13	36	271	505

Note: 7 inspections were conducted in Harris Twp.

Open Air Burning Permits issued for the period of January 1 – December 31, 2021

- 238 new permits were issued.
- 956 permits in total.

Public Education Sessions conducted for the period of January 1 – December 31, 2021

- 15 – CJTT
- 4 – Presentations
- Weekly fire safety information via social media and the Speaker.
- Numbers significantly impacted by COVID – 19.

Charges for the period of January 1 – December 31, 2020

- 2 - PT 1 Certificate of Offence issued – 1 Burning By-law, 1 Fire Protection and Prevention Act.

TRAINING AND EDUCATION

Total training sessions for the period January 1, 2020 to December 31, 2020

Total Sessions (All Stations)	Total Volunteer Hours	Total Meetings (All Stations)	Total Volunteer Hours
23	627h	9	163h

- It should be noted that as in 2020 training and meetings were suspended for much of 2021 due to COVID – 19.

Subject: No Heavy Truck Sign Radley Hill Road **Report No.:** PW-001-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Ontario Traffic Manual – Book 5 – Pages: 107-108 NO HEAVY TRUCKS

Appendix 02: Sign Location Sketch

Appendix 03: Draft By-law amended of By-law No. 2012-101 (**Please refer to By-law No. 2022-015**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report PW-001-2022;
2. That Council approves the placement of:
 - a. Rb-62 “NO HEAVY TRUCKS” sign on Radley Hill Road adjacent to the entrance of Manitoulin Transport, facing West;
 - b. A Rb-62 Ahead Warning sign on Radley Hill Road at 3H Furniture, facing westward; and
3. That Council directs staff to prepare the necessary by-law to amend By-law No. 2012-101 to Regulate Traffic and Parking of Vehicles in the City of Temiskaming Shores, to extend the Designated Truck Route on Radley Hill Road from Highway 11 to Lakeshore Road, for consideration at the February 1, 2022, Regular Council meeting.

Background

On November 17th, 2021, an e-mail correspondence sent from a City of Temiskaming Shores Public Works employee was received by Senior Management, the Manager of Environmental Services and the City Manager. The e-mail of note was advocating to staff that Radley’s Hill Road should be equipped with a sign “advising transports not to go this route at anytime...” due to the steep slope. The employee referenced an event in which he had to assist a stuck Transport that day, and others just like this situation which he has dealt with over the years.

The City Manager forwarded the e-mail to the Manager of Transportation Services on December 21st, 2021 asking him to begin some investigation into appropriate signage options.

Following options and review provided by both Public Works staff and Management, it was determined the inclusion of additional signage was the safest path forward.

Analysis

Transports and Heavy Trucks travelling down Radley Hill Road is a significant safety concern, especially in bad weather conditions, due to the steep slope, gravel top treatment, ONR crossing, etc. Offering a warning to alert Transports and Heavy Trucks to not proceed may prevent the City of Temiskaming Shores from unnecessary costs, delays and potential emergency events.

Three solutions were presented and the recommended result is to install 2 signs at the top of Radley Hill Road to notify Transports and Heavy Trucks, they are not to proceed past the designated sign, near the entrance of Manitoulin Transport.

The sign shall be a Rb-62 – NO HEAVY TRUCKS, as per the OTM, book 5, located adjacent to the entrance to Manitoulin Transport facing West. The purpose of this sign is to indicate roads on which Transports and Heavy Trucks are prohibited. A second sign shall be an Rb-62 with an arrow indicating NO HEAVY TRUCKS AHEAD, installed on Radley Hill Road in between Clover Valley Rd. and Shepherdson Rd., facing West. The purpose of this sign is to provide warning to drivers of the danger ahead and may reroute before they get to far. See Appendix 02 – Sign Location Sketch for more details.

In conjunction with the proposed, there is an existing Wa-21 STEEP HILL Warning Sign just past Shepherdson Road, which will provide an additional early warning to notify motorists of steep downgrades that may require a change in driving behaviour or route. This change in grade occurs just after Manitoulin Transport.

As per By-law 2012-101, Appendix 23 “Providing for the Designation of Reduced Load Periods on Streets”, “Table (B) Designated Truck Routes”, Radley Hill Road is designated a Truck Route from Highway 11 to the entrance of Manitoulin Transport. Our recommendation is to amend the By-law to extend the Designated Truck Route from Manitoulin Transport to Lakeshore Road, so the schedule will reflect on which roads Heavy Trucks are prohibited.

Relevant Policy / Legislation / City By-Law

- By-Law No. 2012-101, *Regulate Traffic and Parking of Vehicles in the City of Temiskaming Shores*
- Ontario Traffic Manual, Book 1b – Sign Design Principles

- Ontario Traffic Manual, Book 5 – Regulatory Signs
- Ontario Traffic Manual, Book 6 – Warning Signs

Consultation / Communication

- Consultation with Public Works Staff, Transportation Superintendent and City Manager throughout.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

There are no financial or staffing implications for the adoption of By-laws. Costs associated with the installation and future maintenance are included in the operations budgeting process.

Alternatives

1. Only one Rb-62 sign erected located adjacent to the entrance to Manitoulin Transport facing West.
2. One Rb-62 sign erected closer to Highway 11, in between Clover Valley Rd. and Shepherdson Rd.

Submission

Prepared by:

Reviewed and submitted for Council's consideration by:

“Original signed by”

“Original signed by”

Mitch McCrank, C.E.T.
 Manager of Transportation Services

Christopher W. Oslund
 City Manager

The NO HEAVY TRUCKS sign (Rb-62) may be used to supplement permissive truck route signing, where problems have been encountered with heavy trucks using roads from which they are prohibited.

Location Criteria

The location criteria for this sign are as described for signs in general, in Book 1b, Section 12 (Sign Position). No exceptional location criteria are noted.

Legal Status

No Highway Traffic Act reference.

Enforceable in municipalities by municipal by-law which:

- Specifies that heavy trucks are prohibited from all roads other than truck routes indicated by the permissive truck route signing system;
- Specifies a schedule of roads on which trucks are permitted, corresponding to the roads included in the permissive truck route signing system; or
- Specifies a schedule of roads on which trucks are prohibited, corresponding to the roads excluded from the permissive truck route signing system.

Minimum Sheeting Requirement

Type I

Special Considerations

N/A

NO HEAVY TRUCKS Sign



Rb-62 60 cm x 60 cm
 Font N/A
 Colour Interdictory Symbol – Red Reflective
 Legend & Border – Black
 Background – White Reflective

**NO HEAVY TRUCKS Sign
(With Time Restriction)**



Rb-62A 60 cm x 75 cm
 Font Highway Gothic D
 Colour Interdictory Symbol – Red Reflective
 Legend & Border – Black
 Background – White Reflective

Purpose and Background

The purpose of the prohibitive NO HEAVY TRUCKS sign is to indicate roads on which heavy trucks are prohibited. A time restriction may be used in conjunction with the sign, to prohibit trucks from travelling on certain roads and streets when they would most adversely affect other users of the road and street. The time restriction typically applies at night, when noise and vibrations could be disruptive, particularly in residential areas.

The definition of a heavy truck may vary from municipality to municipality, and should be specified under municipal by-law.

Sign Types

The **NO HEAVY TRUCKS sign (Rb-62)** applies at all times.

The **NO HEAVY TRUCKS sign (with time restriction) (Rb-62A)** applies only during the time periods specified on the sign.

Guidelines for Use

The Rb-62 and Rb-62A signs are not used on provincial highways. Instead, permissive truck route signing may be provided on King's Highways to support municipal signing to regulate and manage truck traffic.

The Rb-62 and Rb-62A NO HEAVY TRUCKS signs may be used to supplement a permissive signing system for continuous truck routes.

The NO HEAVY TRUCKS signs may be used to indicate restrictions on the movements of heavy trucks on highways, at all times (Rb-62) or at certain times of day (Rb-62A).

The Rb-62 NO HEAVY TRUCKS sign must be used at the entrance to streets, mainly in residential areas, where the municipality wishes to prohibit truck movements. Heavy trucks making deliveries on residential streets are exempt from the prohibition. Municipalities should provide information about heavy truck prohibitions on residential streets to trucking companies operating in the municipality.

Location Criteria

The location criteria for this sign are as described for signs in general, in Book 1b, Section 12 (Sign Position). No exceptional location criteria are noted.

Legal Status

Highway Traffic Act, Regulation 615, Section 33 (R.R.O. 1990).

Sign must be supported by municipal by-law to be enforceable in municipalities.

Minimum Sheeting Requirement

Type I

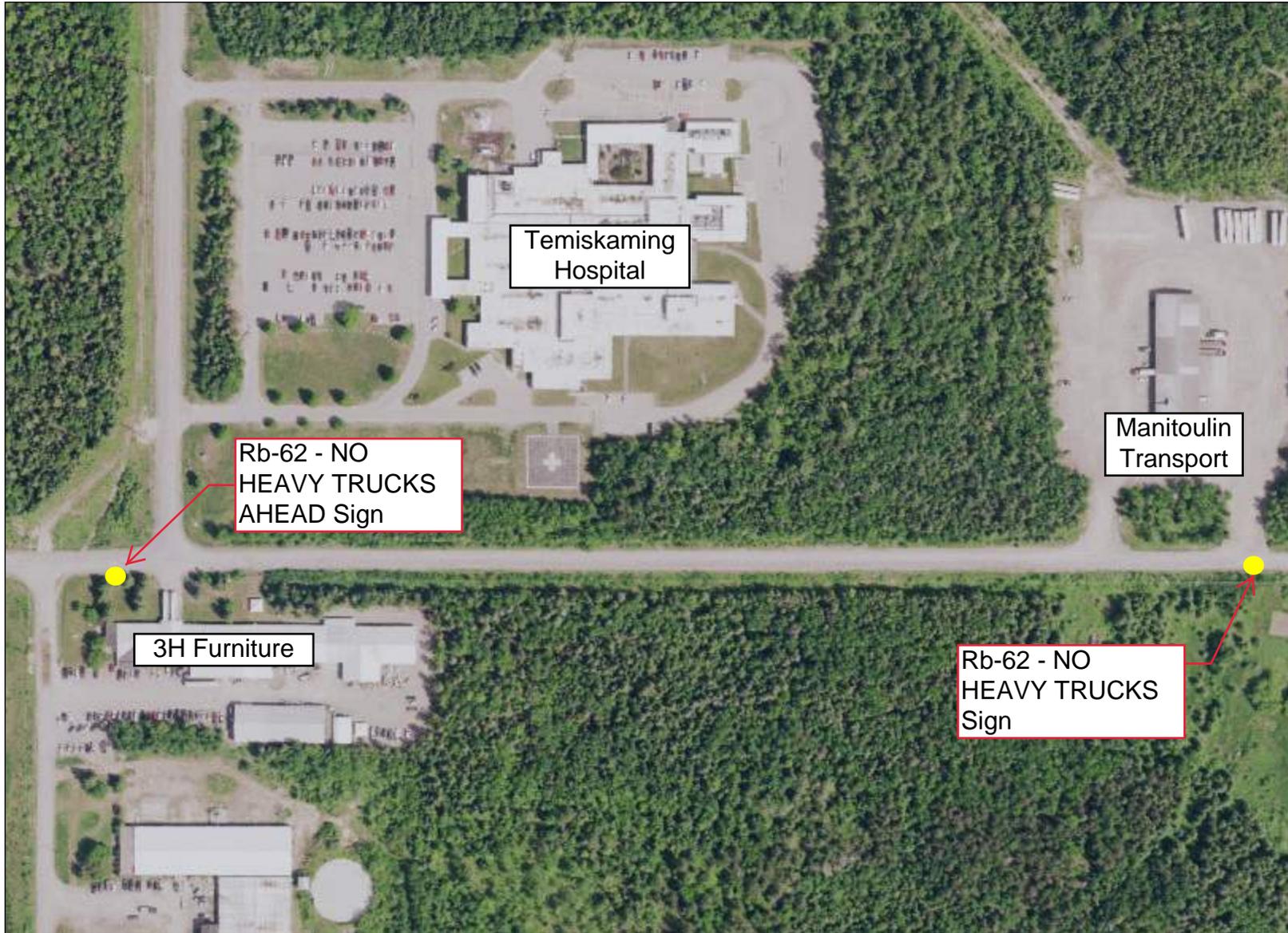
Special Considerations

N/A



Radley Hill Road - No Heavy Trucks

Notes:
Enter map notes



Legend

Horizontal Stations

- ▲ First Order
- ▲ Second Order
- ▲ Third Order
- ▲ Fourth Order
- ▲ Toronto Third Order

Vertical Stations

- First Order
- Second Order
- Second Order B
- Third Order
- Fourth Order
- Toronto Vertical Third Order

Unclassified/Destroyed Stations

- + Destroyed Stations
- + Unclassified Stations

NAD83-C SRS Stations

- Class A
- Class B
- Class C
- Class D
- Class E

RTK Providers

- ★ Leica SmartNet Stations
- ★ Cansel Can-Net Stations
- ★ Topcon TopNET Live Stations

- Assessment Parcel
- Geographic Township

0 0.2 km

Projection: Web Mercator



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Subject: Household Hazardous Waste
Collection Event

Report No.: PW-002-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Draft By-law for Automotive Materials Stewardship Inc. Agreement
(**Please refer to By-law No. 2022-016**)

Appendix 02: Draft By-law to Amend Agreement with Product Care Association of
Canada Agreement (**Please refer to By-law No. 2022-017**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report PW-002-2022;
2. That Council directs staff to prepare the necessary by-law to enter into new agreement with Automotive Materials Stewardship Inc. to provide funding for the material collected at the City's annual Household Hazardous Waste Collection Event, and to repeal By-law No. 2017-070 including amending By-law No. 2020-011, for consideration at the Regular Council Meeting held on February 1, 2022; and
3. That Council directs staff to prepare the necessary by-law to amend By-law No. 2015-096, as amended, for Product Care Association to provide funding for the material collected at the City's annual Household Hazardous Waste Collection Event, for consideration at the February 1, 2022, Regular Council meeting.

Background

Each year the city hosts a Household Hazardous Waste Collection Event to allow for residents a way to properly dispose of this type of material. Funding for the collection and disposal of the material has been provided to the city through agreements with Automotive Stewardship Inc. (AMS) and Product Care Association (Product Care).

In June of 2021 Ontario Regulation 449/21: Hazardous and Special Products was introduced under the Resource and Circular Economy Act. This regulation finalizes the transition of this waste diversion stream and outlines the material that producers are responsible for. As a result, Producer Responsible Organizations (PRO) have been established.

Both AMS and Product Care have transitioned to become a PRO.

Analysis

AMS provided staff with new draft agreement as a PRO, and Product Care Association provided staff with an amending draft agreement as a PRO, both to provide the city with funding for the material collected at the annual event.

AMS would provide funding of \$ 2,200.00 per tonne for oil containers, oil filters and antifreeze collected at the event.

Product Care would provide funding of \$ 2,400.00 per tonne for paints and coatings, pesticides, solvent and pressurized containers collected at the event.

This topic was discussed at the Public Works Committee Meeting held on January 19, 2022 resulting in the following recommendation:

Recommendation PW-2022-003

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee hereby recommends Council consider entering into agreements with Product Care and AMS for funding related to material collected at the Household Hazardous Collection Event in June 2022.

CARRIED

Staff has confirmed that the city's service provider, Drain-all, will be available to host the collection event on Saturday June 4, 2022. Staff is currently waiting on an updated quotation from Drain-all to provide this service. Once received, an administrative report will be presented to Council for consideration.

Relevant Policy / Legislation / City By-Law

- Ontario Regulation 449/21

Consultation / Communication

- Public Works Committee Meeting – January 19, 2022

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Funds have been budgeted within the 2022 Solid Waste Operating Budget to host a Household Hazardous Waste Collection Event.

Alternatives

No alternatives were considered

Submission

Prepared by:

Reviewed and submitted for Council's
consideration by:

"Original signed by"

"Original signed by"

Steve Burnett
Manager of Environmental Services

Christopher W. Oslund
City Manager

Subject: Industrial, Commercial, and Institutional (ICI) Water Meter Program (Phase 2)

Report No.: PW-003-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Single Source Justification

Appendix 02: Neptune Technology Group Proposal (**Please refer to Draft By-law No. 2022-018**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report PW-003-2022;
2. That as outlined in By-law No. 2017-015, Procurement Policy, Section 10, Council approves to waive the tendering procedure; and
3. That Council directs staff to prepare the necessary by-law to enter into an agreement with Neptune Technology Group (Neptune) in the amount of \$479,380.00 plus applicable taxes, for the supply and installation of water meters for the remaining Industrial, Commercial and Institutional (ICI) sector including multi-residential establishment containing three (3) or more units, for consideration at the February 1, 2022 Regular Council Meeting.

Background

In 2021, Council approved the ICI water meter program as a capital project and entered into an agreement with Neptune Technology Group through By-law No.2021-078. This project saw the installation of 57 meters throughout the sector. The installation of these meters enhanced the current water meter program as well as provided a means of consistency. In addition to the installation of the meters, the implementation of Neptune's billing software commenced.

As a result of stakeholder comments and discussion at Public Works Committee Meetings, a second phase of the ICI water meter project was presented to Council as a capital project during the 2022 budget deliberation process. This phase would see the installation of water meters in the remaining ICI sector including multi-residential establishments containing 3 or more units.

This Capital Project was approved with a budget of \$ 600,000.00.

Analysis

Staff reached out to Neptune requesting that a proposal be provided for the supply and installation of approximately 414 water meters. This proposal was recently received in the amount of \$ 479,380.00.

This topic was discussed at the Public Works Committee Meeting held on January 19, 2022 resulting in the following recommendation:

Recommendation PW-2022-004

Moved by: Councillor Danny Whalen

Be it resolved that:

The Public Works Committee hereby recommends Council consider entering into an agreement with Neptune for the supply and installation of water meters within ICI Properties and Multi-residential Establishments containing 3 or more units.

CARRIED

Since 2016, Neptune has been heavily involved with the establishment of the City’s water meter program. Appendix 01 outlines the single source justification.

Relevant Policy / Legislation / City By-Law

- By-law No. 2016-083, Water Works System Use
- By-law No. 2017-015, Procurement Policy
- Safe Drinking Water Act, 2002 - Ontario Regulation 453/07 – Financial Plans

Consultation / Communication

- Public Works Committee Meeting – January 19, 2022
- Consultation with City Manager

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Sufficient funds are available within the 2022 Capital Budget for the ICI Water Meter Project

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for Council's
consideration by:

"Original signed by"

"Original signed by"

Steve Burnett
Manager of Environmental Services

Christopher W. Oslund
City Manager

Single / sole Source Justification

Attach this completed form to requisitions when competitive bids are not solicited.

Requested Single/Sole Source Supplier:

Company Name: Neptune Technology Group

Contact Name: Scott Norris

Address: 7275 West Credit Avenue

City: Mississauga Prov: ON Postal Code: L5N 5M9

Phone Number: 800-363-7886 E-mail: Norris, Scott snorris@neptunetg.com

<input type="checkbox"/> Sole Source	<input checked="" type="checkbox"/> Single Source	<input type="checkbox"/> No Substitute
(No other known source or the only source meeting specification requirements)	(Only the designated Supplier is acceptable, others may exist)	(Specified item is required due to uniqueness, research continuity, etc.)

Description of Product or Service:

The supply, delivery and installation of water meters for the ICI sector. This will result in the enhancement of the City's current water meter program as well as providing consistency throughout the City.

Estimated Cost: \$

\$ 479,380.00

Complete the following checklist:

A specific contractor is the only source of the required item because (check all that apply):

- The required items are **proprietary to the Contractor**
- A specific item is needed:
- To be compatible or interchangeable with existing hardware;
 - As spare or replacement hardware;
 - For the repair or modification of existing hardware, or
 - For technical evaluation or test.
- There is a **substantial technical risk** in contracting with any other contractor (e.g. only one contractor has been successful to date in implementing a difficult manufacturing process.)
- For support services effort, there is no reasonable expectation that a meaningful cost or other improvement could be realized over the incumbent contractor's performance (e.g. the chances of another firm winning a competition are clearly remote).

Explain why the recommended company is the only company that can meet the requirement. Address the following: Are there any other companies who can do this job? What condition exists so that the recommended company has a significant advantage over any other company who can do this job?

It is important to sufficiently address the key reason for awarding an order without soliciting competitive bids. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions.

Although other water meter suppliers are available, Neptune has been working with the City on the enhancement of the ICI water meter program for many years. In 2016 Council entered into an agreement with Neptune to conduct a water meter survey for all ICI establishments to gather valuable information to assist in obtaining accurate supply and installation costs. As a result of the survey, Council directed staff to conduct a water rate assessment project for hotels and restaurants as great discrepancies are identified in these two sectors. The pilot project consisted of the purchase of 9 various sized water meters which were installed in hotels and restaurants throughout the City to gather data on actual water usage. An RFP was released and Neptune was the successful proponent which supplied the City with the required water meters with a proprietary smart reading system.

In 2021 Council entered into an agreement with Neptune for the supply and installation of 57 water meters within the ICI sector including billing software

Based on the above information, Staff feel that it is in the best interest of the City to single source the supply, delivery and installation of water meters to complete the ICI water meter project which was approved within the 2022 Capital Budget.

Requested by: **Steve Burnett**
Department Head

January 25, 2022
Date

Reviewed by: _____
City Manager

Date

Endorsed by: _____
Council

Date

Subject: Tender Award – Engineering Services – NL Waste Disposal Site

Report No.: PW-004-2022

Agenda Date: February 1, 2022

Attachments

Appendix 01: Evaluation of Submissions

Appendix 02: EXP Proposal (**Please refer to Draft By-law No. 2022-019**)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report PW-004-2022; and
2. That Council directs staff to prepare the necessary by-law to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site in the amount of \$ 51,255.00 plus applicable taxes, for consideration at the February 1, 2022 Regular Council meeting.

Background

In 2010 the City entered into an agreement with a consultant (Wood) to obtain all the necessary Ministry approvals to expand the New Liskeard Waste Disposal Site with the first step being the development and approval of an Environmental Assessment (EA).

In April of 2019, staff received notification from the Ministry that the EA was approved allowing the City to proceed with the undertaking to expand the landfill.

In January of 2021, an Environmental Compliance Approval (ECA) application was submitted by Wood to the Ministry. The ECA outlines how the expansion of the landfill is to be constructed and operated.

In December of 2021, staff received the Ministry approved ECA which ended the agreement with Wood as all contractual obligations have been met.

The approved ECA allows for the City to move forward with the construction of the landfill. Engineering services are required as it relates to tender preparation and contract administration/inspection throughout construction.

As a result, Request for Proposal PW-RFP-002-2022 was prepared and released to provide these engineering services. This proposal closed on January 25, 2022.

Analysis

Two (2) submissions were received in response to PW-RFP-002-2022. The proposals were reviewed and evaluated in accordance to the evaluation criteria set out in PW-RFP-002-2022. Below is a summary of the evaluation.

Firm	Evaluation Score					Total	Fees Excl. taxes
	Expertise	Experience	Schedule	Knowledge	Fees	Score	
EXP	152	36	73	25	450	736	\$ 51,255.00
Englobe	152	32	58	20	360	622	\$ 99,070.00

Staff reviewed and evaluated all proposals based on the information provided within each submission resulting in staff's recommendation to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site in the amount of \$ 51,255.00 plus applicable taxes.

Relevant Policy / Legislation / City By-Law

- 2022 Public Works Capital Budget
- By-Law No. 2017-015, Procurement Policy
- ECA No. A-500-1115044194

Consultation / Communication

- Release of PW-RFP-002-2022
- Various Public Works Committee Meetings

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Sufficient funds are available within the approved 2022 Capital Budget.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for Council's
consideration by:

"Original signed by"

"Original signed by"

Steve Burnett
Manager of Environmental Services

Christopher W. Oslund
City Manager

CATEGORY	Score between 0 - 10		Criteria
	EXP	Englobe	Weight
QUALIFICATIONS, EXPERTISE AND PERFORMANCE ON SIMILAR PROJECTS (26%)			
Past ability to successfully complete projects within timelines & budget;	3.00	3.00	4
Stability and reputation of firm;	6.00	6.00	6
Qualifications of technical support staff;	7.00	7.00	8
Qualifications of senior staff/project manager.	6.00	6.00	8
PROPOSED PROJECT MANAGER AND TEAM (9%)			
Past experience directing or involvement with similar projects;	4.00	4.00	5
Understanding of proposed project.	4.00	3.00	4
COMPLETENESS AND SCHEDULE (15%)			
Availability of key staff;	5.00	4.00	5
Methodology and Schedule;	3.00	2.00	4
Quality assurance program.	6.00	5.00	6
KNOWLEDGE OF CITY REGARDING THE PROJECT (5%)			
Members of the team must have experience/knowledge related to Northern Ontario Infrastructure and be familiar with the challenges associated.	5.00	4.00	5
ESTIMATED FEES AND DISPERSEMENTS (45%)			
Cost estimates	10.00	8.00	45
Weighted Summary (Totals):	736.00	622.00	1000

Memo

To: Mayor and Council
From: Mathew Bahm, Director of Recreation
Date: February 1, 2022
Subject: New Liskeard Community Memorial Hall Renaming
Attachments: Draft By-law (**Please refer to By-law No. 2022-020**)

Mayor and Council:

Council received a written request to rename the *New Liskeard Community Memorial Hall* to the *Bun Eckensviller Community Hall* at the regular meeting of Council on January 18, 2022.

The Building Maintenance Committee considered the request at their regular meeting on January 19, 2022. They subsequently passed the following recommendation:

Recommendation BM-2022-003
Moved by: Councillor Danny Whalen

Be it resolved that:

The Building Maintenance Committee hereby recommends Council consider approving the renaming request for the New Liskeard Community Hall to the Bun Eckensviller Community Hall.

CARRIED

The Corporate Services Committee considered the same request at their regular meeting on January 19, 2022. They subsequently passed the following recommendation:

Recommendation CS-2022-003
Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee hereby recommends Council consider approving the renaming request for the New Liskeard Community Hall to the Bun Eckensviller Community Hall.

CARRIED

Staff investigated the cost and any potential issues with the renaming. The cost to replace the exterior signage at the facility is estimated to be \$4,895.00 plus HST. The City has allocated \$7,000 for sign replacement in 2022; however, this project was not included in that amount when set during budget deliberations.

Staff also note that a number of agreements are in place which use the current facility name. Staff are therefore recommending that Council include a provision within the renaming by-law that any references to the New Liskeard Community Memorial Hall and any of its iterations remain valid for any contracts or agreements currently in place. Staff will update any references to the name of the facility on the City website or recreation portal within regular work duties.

Prepared by:

“Original signed by”

Mathew Bahm
Director of Recreation

Reviewed and submitted for Council’s
consideration by:

“Original signed by”

Christopher W. Oslund
City Manager

Memo

To: Mayor and Council
From: Mathew Bahm, Director of Recreation
Date: February 1, 2022
Subject: Ontario Trillium Foundation Funding Agreement – PFC Roof Replacement
Attachments: App 01: Draft By-Law (**Please refer to By-Law No. 2022-021**)

Mayor and Council:

At the Council meeting of September 7, 2021, Council directed staff to submit a funding application to the Ontario Trillium Foundation, Community Building Fund – Capital Stream. City staff submitted an application in the amount of \$500,000 to support the replacement of the Pool & Fitness Centre roof.

The City received confirmation on January 11, 2022 that our funding application was approved for the full amount submitted.

Staff are currently in contact with our OTF Program Manager and have engaged with a roofing consultant to move this project along for completion this summer. This project is included in the 2022 capital budget.

The funding contract from the Ontario Trillium Foundation is included in the bylaw section of tonight's agenda for formal approval by council.

Prepared by:

Reviewed and submitted for Council's consideration by:

"Original signed by"

"Original signed by"

Mathew Bahm
Director of Recreation

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2022-008

Being a by-law to authorize the execution of a funding agreement between Her Majesty the Queen in Right of Ontario, represented by the Minister of Transportation for the Province of Ontario related to funding provided by the Province under the Dedicated Gas Tax Funds for Public Transportation Program - 2022

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered correspondence from The Honourable Caroline Mulroney Minister of Transportation at the February 1, 2022 Regular Council meeting outlining that the City of Temiskaming Shores will be eligible to receive an allocation of \$136,956 under the Dedicated Gas Tax Funds for Public Transportation Program for 2022, and to prepare the necessary by-law and agreement for the acceptance of the funds for consideration at the February 1, 2022 Regular Council meeting; and

Whereas the City of Temiskaming Shores provides a public transit service that includes service to, and receives financial contribution from the Town of Cobalt and the City of Temiskaming Shores will continue to act as the host for this joint service; and

Whereas the Council of The Corporation of the City of Temiskaming Shores deems it necessary to enter into a funding agreement with the Minister of Transportation of Ontario under the Dedicated Gas Tax Funds for Public Transportation Program.

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Mayor and Treasurer are hereby authorized to enter into a funding agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation of Ontario under the Dedicated Gas Tax Funds for Public Transportation Program in the amount of **\$136,956** for 2022, in accordance with and subject to the terms set out in the Letter of Agreement and

the guidelines and requirements, attached hereto as Schedule "A" and forming part of this By-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule “A” to

By-law No. 2022-008

Agreement between

The Corporation of the City of Temiskaming Shores

and

Minister of Transportation of Ontario

Funding provided under the Dedicated Gas Tax
Funds for Public Transportation Program

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



January 21, 2022

His Worship Carman Kidd
Mayor, City of Temiskaming Shores
325 Farr Drive, PO Box 2050
Haileybury ON P0J 1K0

Dear Mayor Kidd:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Temiskaming Shores** (the “Municipality”) and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the “Ministry”), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the “Program”). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario’s transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2021-22 Guidelines and Requirements (the “guidelines and requirements”).

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$136,956** (“the “Maximum Funds”) in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$102,717**; and any remaining payment(s) will be provided thereafter.

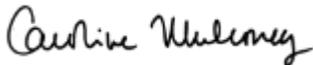
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2021-22 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.
12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.

13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print it, secure the required signatures for it, and then deliver a fully signed copy, in pdf format, to the Ministry at the email account set out below. Subject to the Province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date	Name (print): Title (head of council or authorized delegate):

I have authority to bind the Municipality.

Date:	Name (print): Title (clerk or authorized delegate):

I have authority to bind the Municipality.

The Corporation of the City of Temiskaming Shores

By-law No. 2022-009

Being a by-law to amend By-law No. 2019-018, as amended to appoint community representatives to various Committees and Boards for the 2019-2022 Term of Council

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council adopted By-law No. 2019-018 to appoint community representatives to various Committees and Boards for 2019-2022 term of Council; and

Whereas Jessica Cooper and Brenda Morissette tendered their resignation as community representatives on the Temiskaming Shores Public Library Board.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Schedule "A" to By-law No. 2019-018, as amended be further amended by removing **Jessica Cooper** and **Brenda Morissette** as community representatives on the Temiskaming Shores Public Library Board for the 2019-2022 Term of Council;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor changes or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk

The Corporation of the City of Temiskaming Shores

By-law No. 2022-010

Being a by-law to amend By-law No. 2018-130 to enter into a funding agreement with Industry Canada (FedNor) for a bilingual Project Coordinator – Project No. 39E-511659 – Amendment No. 4

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council entered into a Funding Agreement with Industry Canada (FedNor) for a bilingual project coordinator, through By-law No. 2018-130 on August 14, 2018; and

Whereas Council considered Memo No. 003-2022-CS at the February 1, 2022 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2018-130 being an agreement with FedNor for a Bilingual Project Coordinator, for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council hereby confirms the funding agreement amendment No. 4 signed on January 20, 2022.
2. That Schedule A to By-law No. 2018-130, be hereby amended by the Amending Agreement, a copy of which is hereto attached as Schedule A and forms part of this by-law.
3. That the Mayor and Clerk have the delegation of authority to execute any and all required documentation and amendments, on behalf of the City of Temiskaming Shores, as required under the Contribution Agreement, as long as the amendments do not create any financial liability for the City that is beyond a budget approved by Council.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to

the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-010

Being a by-law to amend By-law No. 2018-130 to enter into a funding agreement with Industry Canada (FedNor) for a bilingual Project Coordinator – Project No. 39E-511659 – Amendment No. 4



FedNor
19 Lisgar Street
Suite 307
Sudbury, Ontario
P3E 3L4

FedNor
19 rue Lisgar
Bureau 307
Sudbury (Ontario)
P3E 3L4

January 19, 2022
Project Number: 39E-511659

Mr. Carman Kidd
Mayor
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mayor Kidd:

**Re: Bilingual project coordinator
Amendment Number: 4**

As a result of your request dated October 20, 2021, FedNor is prepared to amend our Contribution agreement of May 29, 2018 and subsequent amd # 1, #2, and #3 as follows:

Delete: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before June 1, 2018 (the "Commencement Date") and is completed on or before August 31, 2021 (the "Completion Date").

Substitute: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before June 1, 2018 (the "Commencement Date") and is completed on or before September 20, 2022 (the "Completion Date").

Delete: Clause 3.1 The Minister will make a Contribution (the "Contribution") to the Recipient in respect of the Project in an amount not exceeding the lesser of:

- a) 100% of the incurred Eligible & Supported Costs of \$388,000 of the Project outlined in Annex 1, and
- b) \$388,000.

Substitute: Clause 3.1 The Minister will make a Contribution (the "Contribution") to the Recipient in respect of the Project in an amount not exceeding the lesser of:

- a) 100% of the incurred Eligible & Supported Costs of \$518,000 of the Project outlined in Annex 1, and
- b) \$518,000.

Delete: Annex 1 THE PROJECT - STATEMENT OF WORK
THE PROJECT - STATEMENT OF WORK

i) Description: The Temiskaming Shores & Area Chamber of Commerce is requesting \$366,000 in Economic Development Initiative (EDI) funding to enhance bilingual business opportunities, tourism and immigration in the Temiskaming region. This would be achieved by hiring a bilingual project coordinator over a three year period to organize and develop various events and products, while integrating and promoting linguistic duality.

iii) Dates:

- a) Commencement Date - June 1, 2018
- b) Completion Date - August 31, 2021

iv) Key Workplan Activities, Timelines and Milestones:

The work plan developed would include activities within the forestry, agriculture, immigration and tourism sectors.

Forestry

- Support local forestry small and medium size enterprises (SMEs)/organizations to attend provincial trade shows, develop a larger marketplace and export possibilities.
- Explore opportunities for forestry business growth into the Quebec markets.
- Support the development of non-timber forest products throughout the region.

Agriculture

- Develop a Culinary Tourism Strategy and working with local partners such as the Northern Ontario Farm Innovation Alliance (NOFIA), promote local foods including the Northeast Bites program.
- Work with area agriculture producers to participate at the 2019 International Plowing Match and Rural Expo in Verner and lead the Temiskaming Region's presence at the event.
- Support Northern Ontario producers to enable them to attend La Foire gourmande de l'Abitibi-Témiscamingue et du Nord-Est ontarien.
- Support the New Liskeard Agricultural Society in order to grow/enhance the tourism impact of the New Liskeard Fall Fair, one of the largest agricultural events in Northeastern Ontario.
- Assist in the development of a farm to feast culinary event.

Tourism

- With the recent designation by Parks Canada of the Ottawa River as a Canadian Heritage River the project would reach out to partners and work with communities along the river to promote the area as a whole, including product development.
- Partner with Tourism Northern Ontario to develop Lake Temiskaming Tour packages for retail to domestic and international clients and develop and implement a marketing strategy targeting Destination Ontario and Destination Canada as well as regional partners and travel agencies.
- Partner with Tourism Northern Ontario and area municipalities to create and promote wayfinding signage around the Lake Temiskaming Tour.
- Partner with Tourism Northern Ontario to highlight the Group of Seven historical sites/product within the Temiskaming region.
- Develop a regional events calendar to be included in the Lake Temiskaming Tour's website (<https://www.laketemiskaming.com/>).
- Develop and deliver a tourism ambassador training for communities.

Immigration/Cultural

- Create/develop a network of resources to assist newcomer settlement.
- Work with municipal and regional partners to attract newcomers to the region through attendance at trade shows and promotion of web portal.
- Develop an annual multicultural event highlighting the diversity of culture, food and music in the region.
- Support and enhance local festival and events through language translation and promotion in the Quebec marketplace.
- Support the Conseil des Arts Temiskaming Arts Council with the development and promotion of Arts and Culture throughout the region.

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$388,000
- Supported	\$388,000	Other Federal	
- Not Supported	\$106,000	Provincial	\$50,000
Ineligible Costs		Municipal	\$32,000
		Financial Institution	
		Recipient	
		Other	\$24,000
Total	\$494,000		\$494,000

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Wages & benefits	\$143,900		\$143,900
Marketing/product development/research/ events	\$200,100	\$79,000	\$279,100
Travel/meetings/translation/administration	\$44,000	\$27,000	\$71,000
TOTAL ELIGIBLE COSTS	\$388,000	\$106,000	\$494,000
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			\$494,000

Substitute: Annex 1 THE PROJECT - STATEMENT OF WORK
THE PROJECT - STATEMENT OF WORK

i) Description: The Temiskaming Shores & Area Chamber of Commerce is requesting \$518,000 in Economic Development Initiative (EDI) funding to enhance bilingual business opportunities, tourism and immigration in the Temiskaming region. This would be achieved by hiring a bilingual project coordinator over a three year period to organize and develop various events and products, while integrating and promoting linguistic duality.

iii) Dates:

- a) Commencement Date - June 1, 2018
- b) Completion Date - September 20, 2022

iv) Key Workplan Activities, Timelines and Milestones:

The work plan developed would include activities within the forestry, agriculture, immigration and tourism sectors.

Forestry

- Support local forestry small and medium size enterprises (SMEs)/organizations to attend provincial trade shows, develop a larger marketplace, and export opportunities.
- Explore opportunities for forestry business growth into the Quebec markets.
- Support the development of non-timber forest products throughout the region.

Agriculture

- Develop a Culinary Tourism Strategy and working with local partners such as the Northern Ontario Farm Innovation Alliance (NOFIA), promote local foods at various events (including the Northeast Bites program).
- Work with area agriculture producers to participate at the 2019 International Plowing Match and Rural Expo in Verner and lead the Temiskaming Region's presence at the event.
- Support Northern Ontario producers to enable them to attend La Foire gourmande de l'Abitibi-Témiscamingue et du Nord-Est ontarien.
- Support the New Liskeard Agricultural Society in order to grow/enhance the tourism impact of the New Liskeard Fall Fair, one of the largest agricultural events in Northeastern Ontario.
- Assist in the development of a farm to feast culinary event.

Tourism

- With the recent designation by Parks Canada of the Ottawa River as a Canadian Heritage River the project would reach out to partners and work with communities along the river to promote the area as a whole.
- Partner with Tourism Northern Ontario to develop Lake Temiskaming Tour packages for retail to domestic and international clients, and develop and implement a marketing strategy targeting Destination Ontario and Destination Canada as well as regional partners and travel agencies.
- Partner with Tourism Northern Ontario and area municipalities to create and promote wayfinding signage around the Lake Temiskaming Tour.
- Partner with Tourism Northern Ontario to highlight the Group of Seven historical sites/product within the Temiskaming region.
- Develop and deliver a tourism ambassador training for communities.
- Install an electrical vehicle charger on the Haileybury waterfront.
- Create a business plan for the development of Devils Rock as a premier tourism site for the region.

Immigration/Cultural

- Create/develop a network of resources to assist newcomer settlement.
- Work with municipal and regional partners to attract newcomers to the region through attendance at trade shows and promotion of web portal.
- Develop multicultural events highlighting the diversity of culture, food, and music in the region.

- Support and enhance local festival and events through language translation and promotion in the Quebec marketplace.
- Support the Conseil des Arts Temiskaming Arts Council with the development and promotion of Arts and Culture throughout the region.

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$518,000
- Supported	\$518,000	Other Federal	
- Not Supported	\$141,000	Provincial	\$50,000
Ineligible Costs		Municipal	\$32,000
		Financial Institution	
		Recipient	\$15,000
		Other	\$44,000
Total	\$659,000		\$659,000

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Wages & benefits	\$143,900		\$143,900
Marketing/product development/research/ events	\$330,100	\$104,000	\$434,100
Travel/meetings/translation/administration	\$44,000	\$37,000	\$81,000
TOTAL ELIGIBLE COSTS	\$518,000	\$141,000	\$659,000
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			\$659,000

All other terms and conditions of our Contribution agreement remain unchanged.

This amendment is open for acceptance for a period of 30 days following the date on the first page, after which it will be null and void. This amendment shall be effective the date the duplicate copy of this amendment, unconditionally accepted and duly executed by the Recipient, is received by FedNor.

If further information is required, please contact Denise Deschamps toll-free at 1-877-333-6673 ext. 3276 or 705-471-3276 in our North Bay office.

Yours sincerely,

Perreault, Lucie Digitally signed by Perreault, Lucie
Date: 2022.01.19 18:23:10 -05'00'

Lucie Perreault
Director of Program Delivery
FedNor

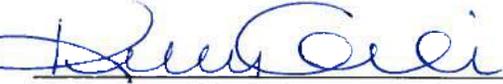
The Corporation of the City of Temiskaming Shores

Project Number: 39E-511659

Amendment Number: 4

The foregoing is hereby accepted this 20th day of JANUARY, 2022

Per: 
Signature of Recipient
MAYOR
Title

Per: 
Signature of Recipient
Deputy Clerk
Title

The Corporation of the City of Temiskaming Shores

By-law No. 2022-011

Being a by-law to enter into an agreement with Markey Consulting to provide event management services for the Northern Ontario Mining Showcase at the Prospectors & Developers Association of Canada (PDAC) Convention from 2022 to 2024

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a -tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. CS-003-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law and agreement with Markey Consulting to provide event management services for the Northern Ontario Mining Showcase at the Prospectors & Developers Association of Canada (PDAC) Convention in 2022, 2023 and 2024, at a rate of \$650 per exhibitor plus applicable taxes, pending funding approval from Fed Nor, for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with Markey Consulting to provide event management services for the Northern Ontario Mining Showcase at the Prospectors & Developers Association of Canada (PDAC) Convention in 2022, 2023 and 2024, at a rate of \$650 per exhibitor plus applicable taxes, pending annual funding approval from Fed Nor, a copy of which is attached hereto as Schedule "A" and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-011

Agreement between

The Corporation of the City of Temiskaming Shores

and

Markey Consulting Services

For event management services at the PDAC Event



503 Champagne Road
Sturgeon Falls, ON P2B 2L9
t. 705-499-6267

MARKEY CONSULTING markeyconsulting.com

Services Proposal: Northern Ontario Mining Supply Showcase at PDAC 2022- 2024

Markey Consulting is pleased to provide the following proposal for services to the City of Temiskaming Shores, Lead applicant, for the coordination and management of the Northern Ontario Mining Showcase (NOMS) at PDAC 2022 - 2024. The work plan will be completed within the guidelines and budget established by the City.

PROPOSED SERVICES

Services include the following tasks associated to pre-event and on-site logistics management:

Venue

- Catering
- Venue design, set-up (lay –out; exhibitor pods, graphics, structures, AV; etc.)
- Coordination of venue staging
- Coordination of video wall content
- Development of touch screen content
- Coordination of touch screen content
- Book boardroom, coordinate layout

Event Promotion & Registrations

- Invitation list (target invite list including companies, partners, politicians, media etc.)
- Coordination of invitations, applications & registration forms
- Coordination of advertising (negotiation of ad rates; placement; design)
- Editorials and articles
- Direct calls
- Social media (LinkedIn)
- Manage RSVPs and registrations
- Develop collateral materials for distribution before and at show
- Coordination of exhibitor program development and content editing
- Acquire exhibitor graphics; coordinate poster design and printing
- NOMS website updates
- Coordinate wayfinding signage

Capacity Building

- Secure boardroom
- Coordinate stage; AV; seating etc.
- Secure speakers
- Develop speaker series schedule
- Promote speaker series

On-site Logistics

- Itinerary (ribbon cutting; meet and greet; speaker series; AV; etc.)
- Troubleshooting point person for on-site venue management to oversee details
- Exhibitor registration and management
- Coordination of door / greeters / guest check in
- Develop and manage volunteer schedule
- Pop-up banners & collateral materials
- Promotion on show floor
- Cleaning; wi-fi; badges; parking

Communications:

- Calling & planning committee meetings
- Media relations (media releases; promotion of companies for editorials; invites to events etc.)
- Reports and itineraries (companies; partners; committee; etc.)
- Information requests (partners; exhibitors etc.)
- Survey development, distribution and tabulation
- Post event reports, follow-ups and KPI tracking including 3 month & 6 month follow-ups
- Prepare an inventory / lead list of clients who visited the Showcase

Other:

- Complete applications and project reports for Fed Nor funding on behalf of the City
- Coordinate room block
- Work with event committee to secure SME Exhibitors sufficient to cover the projected revenues in the Budget Projections
- Manage project budget to ensure compliance and work with City to prepare reports for funding agencies.
- Coordinate exhibitor meet & greet event

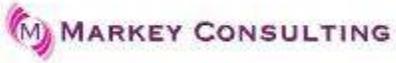
PROPOSED FEES: \$650 per registered NOMS exhibitor (contingent on funding)

Fees include all services listed above as well as project management and telephone calls with client, supplier liaison time. All applicable taxes, design, printing, venue, and/or other associated costs are extra. Additional disbursements such as event registration fees, travel and accommodations to event, travel to committee meetings are extra and must be reasonable expenses as approved by the NOMS Committee budget.

Proposed Payment Terms:

- 50% of year of anticipated annual fees to be invoiced and paid upon funding approval
- 30% of year anticipated annual fees to be invoiced and paid in January of event year
- 20% balance of actual fees to be invoiced and paid by April 15 of event year

For questions regarding this proposal, please contact: **Marla Tremblay, President**
Markey Consulting
t: 705-499-6267 | e: mtremblay@markeyconsulting.com



In witness whereof the parties have executed this Agreement.

Signed and Sealed in the presence
of

Markey Consulting

President Marla Tremblay

Witness (name): _____

Date

Corporation of the City of Temiskaming Shores

Mayor - Carman Kidd

Clerk – Logan Belanger

The Corporation of the City of Temiskaming Shores

By-law No. 2022-012

Being a by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow from May 1 – 4, 2022 (Project No. 852-513725)

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a -tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. CS-004-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an agreement with the Federal Economic Development Agency for Northern Ontario the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow held in Vancouver from May 1 – 4, 2022, in the amount of \$157,500 for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to enter into a funding agreement with the Federal Economic Development Agency for Northern Ontario as represented by the Minister of Indigenous Services and the Minister responsible for the Federal Economic Development Agency for Northern Ontario, for the Northern Ontario Mining Showcase at the 2022 Canadian Institute of Mining, Metallurgy and Petroleum (CIM) convention and tradeshow held in Vancouver from May 1 – 4, 2022, in the amount of \$157,500, a copy attached hereto as Schedule "A" and forming part of this by-law.
2. That the Mayor and Clerk have the delegation of authority to execute any and all required documentation and amendments, on behalf of the City of Temiskaming Shores, as required under the Contribution Agreement, as long as the amendments

do not create any financial liability for the City that is beyond a budget approved by Council.

3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-012

Agreement between

The Corporation of the City of Temiskaming Shores

and

The Federal Economic Development Agency for Northern Ontario

as represented by the Minister of Indigenous Services and
the Minister responsible for the Federal Economic
Development Agency for Northern Ontario

Project No. 852-513725



FedNor
19 Lisgar Street
Suite 307
Sudbury, Ontario
P3E 3L4

FedNor
19 rue Lisgar
Bureau 307
Sudbury (Ontario)
P3E 3L4

Protected B

Project Number: 852-513725

THIS AGREEMENT made as of: January 21, 2022

BETWEEN

The Federal Economic Development Agency for Northern Ontario (the “Agency”)
As represented by the Minister of Indigenous Services and Minister responsible for the Federal
Economic Development Agency for Northern Ontario

– AND –

Corporation of the City of Temiskaming Shores
(the "Recipient")

WHEREAS in response to an application from the Recipient received June 2, 2021, the Agency has agreed to provide a non-repayable Contribution to the Recipient (the Agency and the Recipient collectively referred to as the Parties and individually as a Party) under the Regional Economic Growth through Innovation for the Project described in Annex 1 on the terms and conditions herein contained.

IN CONSIDERATION of the mutual covenants and agreements herein contained (the receipt and sufficiency of which is hereby acknowledged), the Parties hereto hereby covenant and agree as follows:

1.0 The Agreement

1.1 a) The following Annexes form part of this Agreement:

Annex 1 – The Project – Statement of Work

Annex 2 – Costing Memorandum

(collectively the "Agreement")

This Agreement supersedes all prior agreements, documents, undertakings and negotiations, whether oral or written of the Parties, related to its subject matter.

b) Neither this Agreement nor any part thereof shall be assigned by the Recipient without the prior written consent of the Agency.

c) This Agreement shall enure to the benefit of and be binding upon the Recipient, its successors and permitted assigns.

d) No amendment to this Agreement shall be effective unless it is made in writing and signed by the Parties hereto.

1.2 Precedence

In the event of, and only to the extent of, any conflict or inconsistency between the part of the Agreement that precedes the signatures of the Parties, and the annexes that follow, the part of this Agreement that precedes the signatures of the Parties shall apply. The order of precedence amongst the annexes of this Agreement will be:

Annex 1 – The Project – Statement of Work

Annex 2 – Costing Memorandum

1.3 Headings

The headings used in this Agreement are inserted for convenience of reference only and shall not affect its interpretation.

1.4 Date of Acceptance

The date of acceptance shall be the date the duplicate copy of this Agreement, unconditionally accepted and duly executed by the Recipient, is received by the Agency (the "Date of Acceptance").

1.5 Duration of Agreement

This Agreement comes into force on the Date of Acceptance and will terminate twelve (12) months after:

- a) the Completion Date; or
- b) upon the date on which all amounts due by the Recipient to the Agency under this Agreement, have been paid in full,

whichever is the later, unless terminated earlier in accordance with the terms of this Agreement.

1.6 Survival

Notwithstanding the provisions of subsection 1.5 above, the rights and obligations of the Parties set forth in the following sections, shall survive the expiry or early termination of this Agreement, and shall remain in full force and effect for a period of six (6) years after the expiry or early termination of this Agreement:

- a) Section 4 – Total Canadian Government Funding
- b) Section 7 – Monitoring and Audit
- c) Section 8 – Representations
- d) Section 11 – Indemnification and Limitation of Liability
- e) Section 12 – Default and Remedies
- f) Section 13 – General

2.0 **The Project**

2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before February 1, 2022 (the "Commencement Date") and is completed on or before June 30, 2022 (the "Completion Date").

2.2 The Recipient shall not alter the scope, timing or location of the Project without the prior written consent of the Agency.

3.0 The Contribution

3.1 The Agency will make a Contribution (the "Contribution") to the Recipient in respect of the Project in an amount not exceeding the lesser of:

- a) 100% of the incurred Eligible & Supported Costs of \$157,500 of the Project outlined in Annex 1, and
- b) \$157,500.

3.2 The Agency shall not normally contribute to any Eligible and Supported Costs incurred prior to April 19, 2021 or later than the Completion Date.

The Agency shall not make any payment of the Contribution in respect of costs for which the Recipient has entered into a legal commitment prior to the Application Received Date.

3.3 Notwithstanding 3.2 the Agency may, at its sole discretion, limit to 10% of the Contribution the amount paid towards Eligible and Supported Costs incurred by the Recipient between the date that the completed and signed Application was received and the Commencement Date.

3.4 The Recipient shall use the Contribution solely and exclusively to support the Eligible and Supported Costs of the Project as detailed in Annexes 1 and 2 and shall carry out the Project in a diligent and professional manner.

3.5 The Recipient shall be responsible for all costs of the Project, including cost overruns, if any.

3.6 Payment by the Agency of amounts due under this Agreement shall be conditional on there being a legislated appropriation for the fiscal year of the Government in which the payment is due. The Agency shall have the right to terminate or reduce the Contribution in the event that the amount of the appropriation is reduced or denied by Parliament. In the event that any portion of the Contribution has been paid to the Recipient and the legislated appropriation for the fiscal year of the Government in which such payment is made is not obtained, the Agency shall have the right to recover the amount so paid from the Recipient.

4.0 Total Canadian Government Funding

- a) The Agency and the Recipient hereby acknowledge that for purposes of this Agreement the Recipient has received no other federal, provincial, or municipal assistance for the Project.
- b) The Recipient shall promptly inform the Agency in writing in the event additional Canadian government funding for the purposes of this Project has been requested or received during the Term of this Agreement and acknowledges and agrees that an adjustment to the amount of the Contribution and a request for repayment of part or all of the amounts paid to the Recipient may be made as a result thereof. The amount of such repayment requested will constitute a debt due to Her Majesty and will be recovered as such from the Recipient.
- c) In no instance will the total Canadian government funding towards the Eligible Costs be allowed to exceed one hundred percent (100%) of the total Eligible Costs.

5.0 Intellectual Property

5.1 Title to any intellectual property created solely by the Recipient as part of or in respect of the Project will vest with the Recipient or will be determined by applicable Canadian law.

5.2 Copyright

All reports and other information that the Agency collects, manages or has a right to receive or produce in accordance with this Agreement, or that the Recipient collects, creates, manages and shares with the Agency, shall be deemed to be “Canada Information”. The Agency shall have the right, subject to the provisions of the Access to Information Act, to release to the public, table before Parliament, or publish by any means, any Canada Information, including such excerpts or summaries of the Canada Information as it may, from time to time, determine.

6.0 Claims and Payments

6.1 Payment Procedures

Payments will be made on the basis of documented claims for reasonable eligible and supported costs incurred. Reporting requirements, specific to the Project are detailed in Annex 1.

- a) The Recipient shall submit claims for Eligible and Supported Costs incurred, in a form satisfactory to the Agency. Each claim will include the following information:
 - i) a list of Eligible and Supported Costs incurred;
 - ii) a certification, by an authorized signatory of the Recipient, with respect to the accuracy of the claim and submitted documentation and with respect to its compliance with the terms and conditions of the Agreement; and
 - iii) any other documentation in support of the claim as may be required by the Agency.
- b) The Agency shall review and approve the documentation submitted by the Recipient following the receipt of the Recipient's claim, or will notify the Recipient of any deficiency in the documentation submitted which deficiency the Recipient shall immediately take action to address and rectify.
- c) Subject to the maximum Contribution amounts set forth in subsection 3.1 and all other conditions in this Agreement, the Agency shall pay to the Recipient the Agency's portion of the Eligible and Supported Costs set forth in the Recipient's claim in accordance with the Agency's customary payment practices.
- d) The Agency may request at any time that the Recipient provide satisfactory evidence to demonstrate that all Eligible and Supported Costs claimed have been paid.
- e) The Agency may require that any claim submitted for payment of the Contribution be certified by the Recipient's external auditor or by an auditor approved by the Agency.

6.2 Final Claim Procedures

- a) In addition to the requirements set out in subsection 6.1, the Recipient's final claim for any Eligible and Supported Costs and/or the final reconciliation of any outstanding advances, accompanied by the following, in a form satisfactory to the Agency in scope and detail:

- i) a final statement of total Project costs;
 - ii) a statement of the total funding provided from all sources for the Project, including total Canadian government funding received;
 - iii) a Final Activity Report on the Project;
 - iv) a Final Results Report on the outcomes and impacts of the Project for evaluation purposes, as described in Annex 1; and
 - v) a certification, by an authorized signatory of the Recipient, that this is the final claim for payment and includes all final Eligible and Supported Costs Incurred and Paid submitted for payment.
- b) The Recipient shall submit the final claim for Eligible and Supported Costs to the satisfaction of the Agency no later than six (6) months after the Completion Date or early Termination Date of the Project. The Agency shall have no obligation to pay any claims submitted after that date.
- 6.3 If the Recipient earns any interest as a consequence of an advance payment of the Contribution or earns any revenue as a result of the Project or if it receives any revenue from another level of government for the Project, the Agency may in its absolute discretion reduce the Contribution by all or by such portion of the revenue (including the interest) as it deems appropriate.
- 6.4 Holdback
- Notwithstanding any other provision of this Agreement, the Agency may, at the Agency's sole discretion, withhold up to 10% of the Contribution amount until:
- a) the Project is completed to the satisfaction of the Agency;
 - b) the Final Report has been submitted to the satisfaction of the Agency;
 - c) audits, where required by the Agency have been completed to the satisfaction of the Agency; and
 - d) the Agency has approved the final claim described in subsection 6.2.
- 6.5 Overpayment or Non-entitlement

Where for any reason the Recipient is not entitled to the Contribution or the amount paid to the Recipient exceeds the amount to which the Recipient is entitled, the Contribution or the amount in excess, as the case may be, shall constitute a debt due to Her Majesty the Queen in Right of Canada and shall be recovered as such from the Recipient. The Recipient shall repay the Agency promptly and in any case no later than 30 days from the date of the Agency's demand for payment, the amount of the

Contribution disbursed or the amount of the overpayment, as the case may be, together with the average bank interest rate in accordance with the Interest and Administrative Charges Regulations, in effect on the due date, plus 3% compounded monthly on overdue balances payable, from the date of the demand, until payment in full is received by the Agency.

6.6 Sharing Ratios

If the Agency makes individual payments that represent higher sharing ratios than those authorized for the total Contribution, in no event shall the overall sharing ratio calculated on the total Eligible and Supported Costs of the Project exceed the maximum authorized sharing ratios as provided in subsection 3.1 a.

6.7 Advance Payments

Where the Agency is satisfied and has determined that the Recipient requires an advance against the Contribution amounts payable under this Agreement in order to meet cash flow requirements of the Recipient and that the advance payment is critical for the success of the Project, the Agency may, at its sole discretion, make advance payments to the Recipient.

7.0 **Monitoring and Audit**

7.1 For evaluation purposes, the Recipient shall, in addition to reporting measures outlined in subsections 6.1 and 6.2, submit performance reports on the schedule outlined in Annex 1.

7.2 The reports referred to in subsection 7.1 shall contain information sufficient to allow the Agency to assess the progress of the Project (e.g. work completed to date). Upon request of the Agency and at no cost to it, the Recipient will promptly elaborate upon any report submitted.

7.3 The Agency may request that the Recipient submit a copy of its financial statements (audited, if produced), within 120 days of each Recipient fiscal year end or within such longer period as may be authorized by the Agency.

7.4 The Recipient shall provide to the Agency a copy of any report or publication produced as a result of this Agreement, whether interim or final, as soon as the same becomes available.

- 7.5 The Recipient shall, throughout the term of this Agreement, at its own expense:
- a) keep, maintain, preserve and make available for audit and examination by the Agency's representatives, proper books, accounts and records of the costs of the Project, wherever such books, and records may be located, and permit any authorized representative of the Agency to conduct such independent audits and evaluations as the Agency in its discretion may require;
 - b) permit any authorized representatives of the Agency reasonable access to the Recipient's premises to inspect and assess the progress and results of the Project; and
 - c) supply promptly, on request, such information in respect of the Project and its results as the Agency may require for purposes of this Agreement and for statistical purposes.

7.6 The Agency shall have the right, at its own expense, and as and when it determines necessary, to perform audits of the Recipient's books, accounts, records, financial statements and claims for Eligible and Supported Costs, and the Recipient's administrative, financial and claim certification processes and procedures, for the purposes of verifying the costs of the Project, validating claims for Eligible and Supported Costs, ensuring compliance with the terms of this Agreement, and confirming amounts repayable to the Agency under the provisions of this Agreement.

7.7 Any audits performed hereunder will be carried out by auditors selected by the Agency, which may include any of the following: Agency Officials, an independent auditing firm, and the Recipient's external auditors. The Agency will provide the Recipient with a description of the scope and criteria of the audit and the expected time frames for completion of the audit and public release of the related reports.

7.8 Auditor General of Canada

The Recipient acknowledges that the Auditor General of Canada may, at the Auditor General's cost, after consultation with the Recipient, conduct an inquiry under the authority of subsection 7.1(1) of the Auditor General Act in relation to any funding agreement (as defined in subsection 42(4) of the Financial Administration Act) with respect to the use of funds received.

For purposes of any such inquiry undertaken by the Auditor General, the Recipient shall provide, upon request and in a timely manner, to the Auditor General or anyone acting on behalf of the Auditor General:

- a) all records held by the Recipient, or by agents or contractors of the Recipient relating to this Agreement and to the use of the Contribution; and
- b) such further information and explanations as the Auditor General, or anyone acting on behalf of the Auditor General, may request relating to this Agreement or the Contribution.

8.0 Representations

The Recipient represents and warrants that:

- a) it is a municipality and in good standing under the laws of Canada and Ontario, and it shall remain as such for the duration of the Agreement.
- b) it has the power and authority, and has met all legal requirements, necessary to carry on business, hold property, and to enter into, deliver and perform this Agreement;
- c) the signatories to this Agreement, on behalf of the Recipient, have been duly authorized to execute and deliver this Agreement;
- d) this Agreement constitutes a legally binding obligation of the Recipient, enforceable against it in accordance with its terms, subject to a court's discretionary authority with respect to the granting of a decree ordering specific performance or other equitable remedies;
- e) the execution and delivery of this Agreement and the performance by the Recipient of its obligations hereunder will not, with or without the giving of notice or the passage of time or both:
 - i) violate the provisions of the Recipient's by-laws, any other corporate governance document subscribed to by the Recipient or any resolution of the Recipient;
 - ii) violate any judgment, decree, order or award of any court, government agency, regulatory authority or arbitrator; or
 - iii) conflict with or result in the breach or termination of any material term or provision of, or constitute a default under, or cause any acceleration under, any license, permit, concession, franchise, indenture, mortgage, lease, equipment lease, contract, permit, deed of trust or any other instrument or agreement by which it is bound.

- f) there are no actions, suits, investigations or other proceedings pending or, to the knowledge of the Recipient, threatened and there is no order, judgment or decree of any court or governmental agency which could materially and adversely affect the Recipient's ability to carry out the activities contemplated by this Agreement; and
- g) the Recipient has acquired adequate property damage and general liability insurance that is consistent with the level of risk exposure associated with the Project and will maintain such from the Commencement Date to the Completion Date.

9.0 Announcements, Events and other Communications Activities

The Recipient hereby consents to participate in a public announcement of the Project by or on behalf of the Agency in the form of a news release and/or media event. The Agency shall inform the Recipient of the date the public announcement is to be made, and the Recipient shall maintain the confidentiality of this Agreement until such date. The Recipient agrees to satisfy the event/announcement requirements which can be found in the Communications Requirements section of the FedNor website (fednor.gc.ca), located under Resources; For funding recipients.

The Recipient hereby agrees to place federal government logos on all Project-related promotional or advertising materials (unless prior exemption is obtained from the Agency), including, but not limited to, electronic media (web, television, video), and print media (print advertising, brochures, magazines, maps, posters). In addition, the Recipient may be required to produce and display recognition signage. The Recipient agrees to satisfy the federal visibility and signage requirements which can be found in the Communications Requirements section of the FedNor website (fednor.gc.ca), located under Resources.

10.0 Official Languages

10.1 In relation to the Project, the Recipient agrees to:

- a) make available basic communications that target the public in both official languages, in a manner that gives equal prominence to both official languages (or for a specific clientele where the linguistic preference of individual members of the target group is known, in accordance with such preferences); and

- b) provide in both official languages any basic services to be provided or made available to the public.

11.0 Indemnification and Limitation of Liability

11.1 This Agreement is a Contribution Agreement only, not a contract for services or a contract of service or employment, and nothing in this Agreement, or the parties' relationship or actions is intended to create, nor shall be construed as creating, a partnership, employment or agency relationship between them. The Recipient is not in any way authorized to make a promise, agreement or contract or to incur any liability on behalf of the Agency, nor shall the Recipient make a promise, agreement or contract and incur any liability on behalf of the Agency, and the Recipient shall be solely responsible for any and all payments and deductions required by applicable laws.

11.2 The Recipient shall at all times indemnify and save harmless the Agency, its officials, employees and agents, from and against all claims and demands, losses, costs, damages, actions, suits or other proceedings (including, without limitation, those relating to injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights) by whomsoever brought or prosecuted, or threatened to be brought or prosecuted, in any manner based upon, caused by, or arising directly or indirectly from:

- a) the Project, its operation, conduct or any other aspect thereof;
- b) the performance or non performance of this Agreement, or the breach or failure to comply with any term, condition, representation or warranty of this Agreement, by the Recipient, its officers, employees and agents, or by a third party or its officers, employees, or agents; or
- c) any omission or other wilful or negligent act or delay of the Recipient or third party and their respective employees, officers, or agents,

except to the extent to which such claims and demands, losses, costs, damages, actions, suits, or other proceedings relate to the wilful act or omission of an official, employee, or agent of the Agency in the performance of its duties.

11.3 The Agency shall have no liability under this Agreement except for payments of the Contribution in accordance with the provisions of this Agreement. Without limiting the foregoing, the Agency shall not be liable for any direct, indirect, special or consequential damages, or damages for loss of revenues or profits of the Recipient.

- 11.4 The Agency, its agents, employees and servants will not be held liable in the event the Recipient enters into loan, a capital lease or other long-term obligation in relation to the Project for which the Contribution is provided.

12.0 Default and Remedies

12.1 Events of Default

The following constitute events of default:

- a) the Recipient becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute from time to time in force relating to bankrupt or insolvent debtors;
- b) an order is made or resolution passed for the winding up of the Recipient, or the Recipient is dissolved;
- c) in the opinion of the Agency, the Recipient ceases to operate or has sold all or substantially all its assets;
- d) the Recipient has submitted incomplete, false or misleading information to the Agency, or makes a false representation in this Agreement or any document relating to the Contribution;
- e) in the opinion of the Agency, there is a material adverse change in risk;
- f) in the opinion of the Agency, the Recipient fails to comply with a term, undertaking or condition of this Agreement; or
- g) in the opinion of the Agency, the Recipient has failed to proceed diligently with the Project including, but not limited to, failure to meet deadlines stipulated in this Agreement except where such failure is due to causes which, in the opinion of the Agency, are beyond the control of the Recipient.

12.2 Notice and Rectification Period

The Agency may make a declaration of default by providing written notice to the Recipient of the condition or event which, in the Agency's opinion, constitutes an event of default under subsection 12.1. Except in the circumstances described in subsections (a) and (b) of section 12.1, the Agency may, in its discretion, advise the Recipient of the condition or event, and allow the Recipient a period of fifteen (15) days, or such other time as the Agency may in its sole discretion deem appropriate, to correct the condition or event complained of, or to demonstrate to the satisfaction of the Agency that it has taken the necessary steps to correct the condition, failing which the Agency may immediately declare that an event of default has occurred. Notification by the Recipient of rectification shall be made in writing within the period of fifteen (15) days or such other time as the Agency may decide.

12.3 Remedies

If the Agency declares that an event of default has occurred, the Agency may immediately exercise any one or more of the following remedies:

- a) terminate any obligation by the Agency to make any payment under this Agreement, including any obligation to pay an amount owing prior to such termination;
- b) suspend any obligation by the Agency to make any payment under this Agreement, including any obligation to pay an amount owing prior to such suspension;
- c) require the Recipient to repay forthwith to the Agency all or part of the Contribution which amount shall constitute a debt due to Her Majesty; and
- d) exercise any other remedy available to the Agency at law.

13.0 **General**

13.1 Canadian Goods and Services

The Recipient in purchasing goods and services for the performance of the Project, shall provide a full and fair opportunity for use of Canadian carriers, suppliers and sub contractors to the extent that they are competitive and available.

- 13.2 If the Recipient acquires supplies, equipment or services with the Contribution it shall do so through a process that promotes the best value for money. The Recipient must provide and adhere to current Recipient procurement policies with evidence of competitive process and selection methodology. In the absence of Recipient procurement policy, if the Recipient is selecting contractors from which to acquire supplies, equipment or services for the project for an amount greater than twenty-five thousand dollars (\$25,000) a competitive process must be used, including a written request for at least three proposals, written evaluation of bids received and a written agreement with the successful contractor. The Agency may, at its sole discretion, consent in writing to single sourcing if details of urgency, special expertise, confidentiality, savings or other circumstances warrants it.
- 13.3 Without limiting the scope of the Set-off Rights provided for under the Financial Administration Act, it is understood that the Agency may set off against the Contribution, any amounts owed by the Recipient to Her Majesty the Queen in Right of Canada under legislation or contribution agreements and the Recipient shall declare to the Agency all amounts outstanding in that regard when making any claim under this Agreement.
- 13.4 Subject to the Access to Information Act (Canada), the Privacy Act, the Library and Archives Act of Canada, and to section 9.0 of this Agreement, the Parties shall keep confidential and shall not disclose the contents of this Agreement or the transactions contemplated hereby without the consent of all Parties. Notwithstanding the foregoing, the Agency may:
- a) disclose the contents of this Agreement and any documents pertaining thereto, whether predating or subsequent to this Agreement, or of the transactions contemplated herein, where in the opinion of the Agency such disclosure is necessary to the defence of Canada's interests in the course of a trade remedy investigation conducted by a foreign investigative authority and is protected from public dissemination by the foreign investigative authority. The Agency shall notify the Recipient of such disclosure;
 - b) disclose the contents of this Agreement and documents and information related thereto as may be required pursuant to obligations contained in trade agreements to which Canada is a party; and
 - c) disclose information which may be required by government policies including a policy related to proactive disclosure.

- 13.5 Notwithstanding subsection 13.4, the Recipient waives any confidentiality rights to the extent such rights would impede Canada (Her Majesty the Queen in Right of Canada) from fulfilling its notification obligations to the World Trade Organization under Article 25 of the Agreement on Subsidies and Countervailing Measures.
- 13.6 The Recipient shall comply with all federal, provincial, territorial, municipal and other applicable laws governing the Recipient or the Project, or both, including but not limited to, statutes, regulations, by-laws, rules, ordinances and decrees. This includes any legal requirements and regulations relating to the environment.
- 13.7 This Agreement shall be subject to and construed in accordance with the laws of Canada and of Ontario and the parties hereto acknowledge the jurisdiction of the superior court of such province as defined in the *Interpretation Act* R.S., c. I-23, as amended from time to time.
- 13.8 If a dispute arises concerning the application or interpretation of this Agreement, the Parties shall attempt to resolve the matter through good faith negotiation, and may, if necessary and the Parties consent in writing, resolve the matter through mediation by a mutually acceptable mediator or arbitration in accordance with the Commercial Arbitration Code set out in the schedule to the *Commercial Arbitration Act (Canada)*, and all regulations made pursuant to that Act.
- 13.9 Any tolerance or indulgence demonstrated by one Party to the other, or any partial or limited exercise of rights conferred on a Party, shall not constitute a waiver of rights, and unless expressly waived in writing both Parties shall be entitled to exercise any right and seek any remedy available under this Agreement or otherwise at law. Either Party may, by notice in writing, waive any of its rights under this Agreement.
- 13.10 The Recipient represents and warrants that no member of the House of Commons or the Senate of Canada shall be admitted to any share or part of this Agreement or to any benefit arising from it, that is not otherwise available to the general public.
- 13.11 The Recipient confirms that no current or former public servant or public office holder to whom the Values and Ethics Code for the Public Service or the Conflict of Interest Act apply, shall derive direct benefit from the Agreement, including any employment, payments or gifts, unless the provision or receipt of such benefits is in compliance with such codes and legislation. Where the Recipient employs or has a shareholder who is either a current or former (in the last twelve months) public office holder or public servant in the federal government, the Recipient shall demonstrate compliance with these codes and legislation.

- 13.12 It has not directly or indirectly promised or offered to any official or employee of the Agency, any bribe, gift, or other inducement, nor has it authorized any person to do so on its behalf, for or with a view to obtaining this Contribution.
- 13.13 The Recipient represents and warrants that:
- a) any person (other than an employee) who, for consideration, directly or indirectly, communicated with or arranged a meeting with a public office holder, in respect of any aspect of this Agreement, prior to the execution of the Agreement, was in compliance with all requirements of the *Lobbying Act*, as amended from time to time;
 - b) any person (other than an employee) who, for consideration, directly or indirectly, during the term of this Agreement and in respect of any aspect of this Agreement, communicates with or arranges a meeting with a public office holder, will be in compliance with all requirements of the *Lobbying Act*;
 - c) at all relevant times it has been, is and will continue to remain in compliance with the *Lobbying Act*;
 - d) it has not, nor has any person on its behalf, paid or provided or agreed to pay or provide, to any person (other than an employee), directly or indirectly, a commission, contingency fee or any other consideration (whether monetary or otherwise) that is dependant upon the execution of the Agreement or the person arranging a meeting with a public office holder; and
 - e) it will not, during the term of this Agreement, pay or provide or agree to pay or provide to any person (other than an employee), directly or indirectly, a commission, contingency fee or any other consideration (whether monetary or otherwise) that is dependant upon the person arranging a meeting with any official or employee of Her Majesty the Queen in Right of Canada.

The Recipient acknowledges that the representations and warranties in this section are fundamental terms of this Agreement. The Agency may terminate this Agreement in the event of a breach of any of the above representations or warranties, and may also recover from the Recipient the full amount of any compensation paid by the Recipient in breach of subsections (d) or (e).

14.0 Notice

14.1 Any notice, information or document required under this Agreement shall be effectively given if delivered or sent by letter, electronic correspondence or facsimile (postage or other charges prepaid). Any notice that is delivered shall be deemed to have been received on delivery; any notice sent by electronic correspondence or facsimile shall be deemed to have been received one working day after being sent, any notice that is mailed shall be deemed to have been received eight (8) business days after being mailed.

14.2 Any notice or correspondence to the Agency shall be addressed to:

Federal Economic Development Agency for Northern Ontario
107 Shirreff Avenue, Suite 104
North Bay ON P1B 7K8

Attention: Mrs. Denise Deschamps
Trade Expansion and Export Development
Regional Economic Growth through Innovation

or to such other address as may be designated by the Agency in writing.

14.3 Any notice or correspondence to the Recipient shall be addressed to:

Mr. Carman Kidd
Mayor
Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury ON P0J 1K0

14.4 Either of the Parties may change the address which they have stipulated in this Agreement by notifying the other Party of the new address in writing, and such change shall be deemed to take effect fifteen (15) days after receipt of such notice.

Project Number: 852-513725

IN WITNESS WHEREOF the Parties hereto have executed this Agreement

The Federal Economic Development Agency for Northern Ontario (the “Agency”)

As represented by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario

Per: **Perreault, Lucie** Digitally signed by Perreault, Lucie
Date: 2022.01.21 14:05:53 -05'00'
Name: Lucie Perreault
Title: Program Director, Federal Economic
Development Agency for Northern Ontario
(FedNor)
Date:

RECIPIENT

Per:
Name:
Title:
Date:

Per:
Name:
Title:
Date:

I/we have authority to bind Corporation of the City of
Temiskaming Shores

Annex 1

THE PROJECT - STATEMENT OF WORK

Recipient: Corporation of the City of Temiskaming Shores

Project Number: 852-513725

I. PROJECT SCOPE

i) Description:

The Corporation of the City of Temiskaming Shores is requesting a contribution to organize the Northern Ontario Mining Showcase (NOMS) pavilion during the Canadian Institute of Mining, Metallurgy, and Petroleum (CIM) annual convention and trade show being held May 1-4, 2022 in Vancouver, British Columbia.

ii) Project Location:

Haileybury, ON

iii) Dates:

- a) Commencement Date - February 1, 2022
- b) Completion Date - June 30, 2022

iv) Key Workplan Activities, Timelines and Milestones:

Specific project activities will include:

- Secure 2,700 sq. ft. at CIM to stage a pavilion;
- Recruit Small to Medium-sized Enterprises (SMEs) exhibitors;
- Exhibit 25 organizations and businesses of the mining supply and services sector from Northern Ontario;
- Utilize a professional development team to design, build, modify, install/take down the pavilion;
- Coordinate displays showcasing products from exhibitors; and,
- Hire a Coordinator to work with pavilion design team, the City, and FedNor; develop and implement a promotional strategy; orient SMEs; manage the exhibition; develop a bilingual event program with exhibitor listings and descriptions; orient exhibitors; manage the exhibition pavilion site during CIM; and provide a final evaluation.

v) Performance Measures and Tracking Plan:

Anticipated outcomes of this 2022 project include:

- A minimum amount of sales of \$1,500,000;
- 25 percent of SMEs with increased export sales (including out of province);
- 25 new jobs created and 100 maintained;
- 25 exhibitors participating;
- A minimum of 30 new partnerships created following the event;
- An increase in new business contacts, clients, and potential leads that will result in new business and/or expansion of existing business;
- An expansion of markets and creation of new distribution opportunities across Canada and beyond; and,
- An increase to the region's presence and competitiveness in the marketplace.

vi) Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$157,500
- Supported	\$157,500	Other Federal	\$0
- Not Supported	\$12,500	Provincial	\$0
Ineligible Costs	\$0	Municipal	\$0
		Financial	\$0
		Institution	\$0
		Recipient	\$0
		Other	\$12,500
Total	\$170,000		\$170,000

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Event Facility Rental	\$67,500		\$67,500
Event Facility Rental (participating exhibitors)		\$12,500	\$12,500
Event Costs (Staging)	\$45,000		\$45,000
Consulting Fees	\$12,500		\$12,500
Marketing & Promotion	\$20,000		\$20,000
Travel	\$12,500		\$12,500
TOTAL ELIGIBLE COSTS	\$157,500	\$12,500	\$170,000
<u>Ineligible Costs</u>			
Nil			\$0
TOTAL INELIGIBLE COSTS			\$0
TOTAL PROJECT COSTS			\$170,000

* Eligible Costs include the amount of Harmonized Sales Tax, (HST), net of any refund or eligible credits due from the Canada Revenue Agency.

vii) Official Languages Obligations:

For greater certainty, Section 10.0 includes:

- a) Make available basic communications that target the public in both official languages, in a manner that gives equal prominence to both official languages (or for a specific clientele where the linguistic preference of individual members of the target group is known, in accordance with such preferences);
- and
- b) Provide in both official languages any basic services to be provided or made available to the public.

II. PROJECT FUNDING CONDITIONS

i) Variance of any of the Eligible Supported Costs

Variance of any of the Eligible Supported Costs listed above in excess of 15% requires the prior written approval of the Agency.

ii) Pre-disbursement Conditions

Prior to receiving payment towards Eligible and Supported Costs incurred, the Recipient, on or before the date of first payment, shall:

- a) provide evidence that it has arranged for the balance of the funding required to enable the Project to proceed, on terms and conditions that are satisfactory to the Agency.

iii) Advance Payments:

- a) The Agency has approved advances calculated on the basis of projected cash flow requirements of the Recipient submitted by the Recipient and approved by the Agency.

III. REPORTING REQUIREMENTS

The Recipient shall submit the following reports in a form satisfactory to the Agency:

- i) Progress Reports and claims for Eligible and Supported Costs incurred as per a schedule provided by the Agency.
- ii) A Final Activity Report by the Final Claims Reporting Date;
- iii) Performance Reports, including:
 - a) a Final Results Report at project end on results achieved between the project start and end date;

- b) a Two-Year Follow-up Results Report for projects forecasting additional outcomes within two (2) years of project completion. If applicable, completed reports are to be submitted within one (1) month of receiving the report template; and
- c) a Five-Year Follow-up Results Report for projects forecasting additional outcomes within five (5) years of project completion. If applicable, completed reports are to be submitted within one (1) month of receiving the report template.

COSTING MEMORANDUM
Trade Expansion and Export Development

1.0 General Conditions

- 1.1 Costs are Eligible Costs for the purposes of this Agreement only if they are, in the opinion of the Agency,
- a) directly related to the Project;
 - b) reasonable;
 - c) appear in the "The Project-Statement of Work";
 - d) incurred in respect of activities which are incremental to the usual activities of the Recipient; and
 - e) incurred between April 19, 2021 and the Completion Date.
- 1.2 Costs incurred by way of the exercise of an option to purchase or hire are eligible only if the exercise of the option is at the sole discretion of the Recipient and the option has been exercised between April 19, 2021 and the Completion Date.
- 1.3 Costs of all goods and services (including labour) acquired from an entity which is, in the opinion of the Agency related to the Recipient, shall be valued at the cost which, in the opinion of the Agency, represents the fair market value of such goods or services, which cost shall not include any mark up for profit or return on investment.
- 1.4 No cost described in section 2.0 shall be eligible for inclusion in Eligible Costs unless the Recipient causes the supplying entity to maintain proper books, accounts and records of the costs related to the Project, and to provide to any representative of the Agency access to such books, accounts and records.

2.0 Eligible Costs

Where consistent with the approved Eligible and Supported costs, as defined in Annex 1 - The Project - Statement of Work, the following criteria will be used in determining eligibility of costs:

2.1 Travel Costs - Prime Transportation

Eligible travel costs are those which are deemed necessary to the performance of the Project. To be eligible, travel costs must be clearly documented as to the purpose of each trip. Travel expenses, at economy rates, shall be charged as at actual costs, but only to the extent that they are considered reasonable by the Department.

Necessary return airfare, train fare or bus fare at economy rates for participation personnel. Where a personal automobile is to be used, kilometre (mileage) allowance will be based on current Treasury Board of Canada Travel Directives. Eligible Costs shall be limited to the cost that would have been incurred and paid had normal public transportation at economy rates been used.

Actual costs at the destination will be allowed for food, accommodation and surface transportation (i.e., taxis, etc.). Meal rates will be based on current Treasury Board of Canada Travel Directives. Please note receipts are required for all items except meals. Entertainment (hospitality) costs are not eligible.

2.2 Audit of Project Costs

If expressly approved in writing by the Agency, Eligible Costs may include the cost of professional accountants certifying the accuracy of any costs claimed.

2.3 Contractor/Consultants

Save as herein provided, the direct costs of studies and/or services carried out by a private contractor, consultant or Canadian University or Research Institute are eligible.

Where a contractor or consultant is to be used, prior consultation with the Agency is advised to ensure that the costs for these services are eligible. The Agency may not contribute to the cost of goods or services that are not, in the opinion of the Agency, provided by an entity who is at arm's length from the Recipient

The contractor, consultant, University or Institute shall not acquire any rights to the product or process developed as a result of services provided.

2.4 Calculation of Direct Labour Costs

The Recipient may claim only that time worked directly on the Project by its employees and may not claim for indirect time, non-project related time, holidays, vacation, paid sickness, etc. Paid overtime, where considered reasonable in the opinion of the Agency, may be claimed. Time in lieu of payment is eligible if taken and paid within the project period. Time claimed will normally be expressed in hours.

The payroll rate is the actual gross pay rate for each employee (normal periodic remuneration before deductions). The payroll rate excludes all premiums (e.g., overtime), shift differentials and any reimbursement or benefit conferred in lieu of salaries or wages except as noted in the last paragraph.

Employment benefits (CPP, EI, holidays, and vacations, etc.) not exceeding 20% of direct labour costs may be claimed (supporting documentation not required).

2.5 Harmonized Sales Tax (HST)

Eligible Costs include the amount of Harmonized Sales Tax (HST), net of any refund or eligible credits due from the Canada Revenue Agency.

In order to have the HST approved as an eligible cost on future claims, the Recipient may be required to provide documentation verifying the organization's status under HST legislation.

3.0 Ineligible Costs

For greater certainty, any costs not specifically described as Eligible Costs in accordance with section 2.0, shall be ineligible for inclusion in the Eligible Costs.

The Corporation of the City of Temiskaming Shores
By-law No. 2022-013

Being a by-law to enter into an agreement with The Corporation of the Municipality of Temagami in the event of an evacuation of its Residents

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a -tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas the Municipality of Temagami requested the City of Temiskaming Shores to enter into an evacuation agreement for its residents in the event of a large-scale evacuation in an emergency situation; and

Whereas Council considered Administrative Report No. CS-005-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an agreement with the Municipality of Temagami in the event of a large-scale emergency evacuation situation, for consideration at the February 1, 2022 Regular Council Meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to enter into an agreement with the Municipality of Temagami in the event of a large-scale emergency evacuation situation, a copy attached hereto as Schedule "A" and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-013

Agreement between

The Corporation of the City of Temiskaming Shores

and

The Corporation of the Municipality of Temagami

Emergency Evacuation Agreement

This Agreement made as of this 1st day of February, 2022

Between:

The Corporation of The City of Temiskaming Shores
(hereinafter referred to as “the City”)

And:

The Corporation of the Municipality of Temagami

Whereas Temagami is under threat of interface forest fires as of the date of this agreement; and

Whereas Temagami declared a state of emergency pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the “Act”) on May 20, 2012; and

Whereas the evacuation of some or all of the residents of Temagami may become necessary in the immediate future on very short notice; and

Whereas Temiskaming Shores is the nearest community to Temagami with the capacity to assist in the reception of potential evacuees; and

Whereas Section 13 of the *Act* makes provision for the council of a municipality to enter into an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment, or materials during an emergency; and

Whereas both Temiskaming Shores and Temagami recognize that the health, safety and welfare of people are the first priority in the event of an emergency; and

Whereas Temiskaming Shores has been asked to assist Temagami with the potential reception and care of evacuees including the provision of emergency clothing, feeding, lodging, registration and inquiry, and personal services, to the extent it is able to do so.

Now therefore the parties hereto agree to the following:

A. Operation of this Agreement

1. This agreement shall have no force or effect unless and until a large-scale evacuation of the Municipality of Temagami becomes necessary due to the threat of interface forest fires.

B. Provision of Emergency Assistance

1. If and when an evacuation of the residents of some or all of the Municipality of Temagami becomes necessary, Temiskaming Shores hereby agrees to render assistance to Temagami as follows:
 - a. to make available the use of Temiskaming Shores facilities (e.g., arenas, halls) and/or equipment to house or otherwise process, register and assist evacuees;
 - b. to assist in the provision of emergency services (e.g., food, clothing, personal services) to evacuees as may be required and cannot be immediately provided by Temagami;
 - c. to provide personnel as are necessary to maintain and operate facilities and/or equipment;
 - d. to provide personnel as are necessary to assist in the provision of emergency services to evacuees; and
 - e. such other assistance as the parties may agree upon.

C. Use of Facilities & Equipment

1. In the event of evacuation, Temiskaming Shores agrees to make available to Temagami as many of its municipal facilities as is practicable to house and/or provide services to evacuees.
2. Temiskaming Shores and Temagami will give due consideration to the requirements of any facility as are required to ensure safe accommodation.
3. Notwithstanding the above paragraphs, final authority for the use and control of the facility shall rest with Temiskaming Shores.

D. Staffing

1. While any municipal facility is in use under the terms of the agreement:
 - a. Temiskaming Shores shall have one or more members of its staff on the facility or facilities premises at all times to assist with the operation and maintenance of the facility; and
 - b. Temagami shall have one or more members of its staff on the facility or facilities' premises at all times to assist with the operation and maintenance of the activities for the evacuees and volunteers.

E. Diligence and Care

1. Temagami and other parties having authority to use a Temiskaming Shores facility or facilities shall exercise due diligence and care and shall not interfere with any of the facility activities unless deemed necessary as part of the response to the emergency.
2. Prior to the use of any facility, a duly authorized representative of Temiskaming Shores and a duly authorized representative of Temagami shall jointly inspect the facility or equipment to be used. A memorandum will then be signed by both parties outlining any pre-use damage or deficiencies.
3. Upon termination of use by Temagami, both parties shall again inspect the facility and make note of any damage, deficiencies or other such factors resulting from the County's use of said facility.

F. Indemnity

1. Temagami hereby agrees to save harmless and indemnify Temiskaming Shores, its officers, agents, contractors and employees from and against all claims, demands or causes of action whether at law or in equity, in respect of its use of its facilities or the provision of emergency services, and from and against all damages, losses, costs, charges and expenses which Temiskaming Shores may sustain or incur or be liable for in consequence of such claims or demands or causes of action, whether in negligence or otherwise, from any source whatsoever, including but not necessarily limited to:
 - a. claims, demands or causes of action by, or on behalf of, any officers of Temiskaming Shores or its agents, employees, agents, contractors or representatives; and
 - b. claims, demands or causes of action by any other person or persons using Temiskaming Shores facilities or receiving services of any kind from Temiskaming Shores.

G. Costs

1. The parties hereby acknowledge and agree that both Temagami and Temiskaming Shores will incur costs as a result of any evacuees being received by Temiskaming Shores.
2. Temiskaming Shores agrees that any costs and/or expenses shall only ever be recovered from Temagami, under this agreement or otherwise, on a cost recovery basis.
3. In the event Temiskaming Shores is asked to receive evacuees and/or provide emergency services to Temagami, the parties acknowledge and agree that

Temagami may receive funding under the Act or other provincial and/or federal emergency/disaster programs.

4. Temagami agrees to remit any funds received under the Act or other provincial and/or federal emergency/disaster programs related to the reception of evacuees in Temiskaming Shores to Temiskaming Shores upon receipt.
5. Nothing in this agreement shall preclude Temiskaming Shores from taking action to recover costs and expenses from such person(s) or entities as may be found responsible for causing the emergency, or from seeking federal and/or provincial funding to cover any or all costs incurred by Temiskaming Shores.

H. Volunteers

1. Individual volunteers, service clubs or volunteer groups and agencies such as the Red Cross, Salvation Army or St. John Ambulance who are engaged by Temiskaming Shores to manage or assist with the operation of reception centers or otherwise shall be considered agents of Temiskaming Shores.

I. Termination

1. This agreement may be terminated by any of the parties hereto, by 60 days notice given in writing to the other parties by delivering the same in person or by ordinary mail. Any notice shall be deemed to have been given on the third business day following the date on which it was mailed.

J. Successors and Assigns

1. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Remainder of Page left blank intentionally

In witness whereof the Party of the First Part has hereunto affixed its corporate seal attested by the hands of its duly authorized officers, and the Party of the Second Part has hereunto set its hand and seal by execution under seal by each and every individual comprising the Party of the Second Part.

Signed and Sealed in)	The Corporation of the Municipality of Temagami
the presence of)	
)	
)	
Municipal Seal)	_____
)	Mayor – Dan O’Mara
)	
)	
)	_____
)	Clerk – Susie Fournier
)	
)	
Municipal Seal)	The Corporation of the City of Temiskaming Shores
)	
)	
)	
)	_____
)	Mayor – Carman Kidd
)	
)	
)	_____
)	Clerk – Logan Belanger

Corporation of the City of Temiskaming Shores

By-law No. 2022-014

Being a by-law for the licensing of short-term accommodations in the City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws respecting the health, safety, and well-being of persons, parking on property, and structures including fences and signs; and

Whereas under Section 151 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws to provide for a system of licenses with respect to businesses, including issuance and suspension; and

Whereas Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes a municipality to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act, 2001, in order to assist the municipality in promoting compliance with its by-laws; and

Whereas Section 434.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that an Administrative Penalty imposed by the municipality on a person under Section 434.1 of the Municipal Act, 2001, constitutes a debt of the person to the municipality; and

Whereas under Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws allowing the municipality to enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, order, or license; and

Whereas under Section 444 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may make orders requiring a person to discontinue contravening a by-law and to do the work required to correct a contravention; and

Whereas Council has engaged in public consultation, including public meetings and direct consultation with representatives of the business community and the short-term accommodation industry; and

Whereas Council considered Administrative Report No. CS-006-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to establish a system for the licensing of short-term accommodations in the City of Temiskaming Shores for first and second reading.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law;

1. That Council adopts a by-law to license Short-Term Accommodations in the City of Temiskaming Shores, a copy attached hereto as Schedule "A" forming part of this by-law.
2. That this by-law shall come into force and take effect on January 1, 2023.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

Read a first and second time this 1st day of February, 2022.

Mayor

Clerk

Read a third and final time this ____ day of _____ 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-014

Short-Term Accommodations By-Law

Part 1 – Definitions of Words and Phrases

Definitions of words and phrases used in this by-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law.

Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders and the past, present, or future tense or other related form of defined term shall have the same meaning as the defined term.

The words defined in this section have the following meaning for the purposes of this by-law.

- 1.1 **Administrative Penalty** means a monetary penalty imposed and as set out in Appendix 01 herein of By-law 2022-014, as amended for a contravention of this By-law;
- 1.2 **Applicant** means an individual who has submitted an application for a *license* to operate a *short-term accommodation*;
- 1.3 **By-law Enforcement Officer** means a person or persons duly appointed from time to time by *Council* to enforce regulatory by-laws of the Municipality;
- 1.4 **City** means the Corporation of the City of Temiskaming Shores;
- 1.5 **Council** means the Municipal Council of the City of Temiskaming Shores;
- 1.6 **License** means a license to operate a *short-term accommodation* issued pursuant to the provisions of this By-law;
- 1.7 **Licensed bedroom** means a room or area used, designed, equipped or intended for sleeping;
- 1.8 **Licensee** means an individual who holds a *license* to operate a *short-term accommodation* pursuant to the provisions of this By-law;
- 1.9 **Municipal Clerk** means the Municipal Clerk or his/her designate as appointed by *Council*;
- 1.10 **Noise By-law** means the by-law to prohibit and regulate certain noises currently in effect in the *City* and all amendments thereto;
- 1.11 **Owner** means any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, or who has control or management of any *property*, land, building, or structure;
- 1.12 **Premises** means any place, premises, or location, or part thereof, in which a short-term accommodation is located;

- 1.13 Property** means any lot, block, or other area in which land is held or into which it is subdivided, including the buildings and structures thereon;
- 1.14 Property Standards By-law** means the by-law regulating property standards currently in effect in the *City* and all amendments thereto;
- 1.15 Short-term Accommodation** means a building or structure or any portion thereof that offers a place of temporary residence, lodging or occupancy for any period less than 28 consecutive calendar days, throughout any part of a calendar year. *Short-term accommodation* uses do not include a hotel, motel, or other similar commercial establishment, but do include bed and breakfast establishments as defined in the *Zoning By-law*;
- 1.16 Sign By-law** means the by-law regulating signs currently in effect in the *City* and all amendments thereto;
- 1.17 Zoning By-Law** means the Zoning By-law currently in effect in the *City* and all amendments thereto.

Part 2 – General Provisions

1. No person shall *operate a short-term accommodation* in the *City* unless that person has first obtained a *license* in accordance with the provisions of this By-law.
2. Only the *owner* or the lessee may apply for and hold a *license* to *operate a short-term accommodation*. If the *applicant* is the lessee, written permission from the *owner* is required.
3. All municipal taxes, fees, and other charges for the *property* must be current and not in arrears and any open building permits must be closed before a *license* will be issued.
4. *Short-term accommodations* must be fully serviced with municipal water and sanitary sewer services, or with a system approved by the Timiskaming Health Unit.
5. The *owner* and/or *licensee* will be held responsible for contraventions by tenants and guests of the *Noise By-law*, *Property Standards By-law* and any other applicable by-laws and regulations.
6. *Short-term accommodations* shall be operated in compliance with the following provisions:
 - a. The following shall be made available to guests in each *licensed bedroom*:
 - i. A copy of the current *license*;

- ii. A copy of the current *Noise By-law*;
 - iii. A copy of the approved site plan showing the designated parking areas/spaces;
 - iv. A copy of the approved floor plans;
 - v. The contact information of a responsible person, within the City, who maintains the *property* and manages guests.
- b. Only signage in accordance with the *Sign By-law* shall be displayed.
7. The *By-law Enforcement Officer* may require access to the *premises* between the hours of 8:30 a.m. and 4:30 p.m. The provision of access is a requirement of this By-law to verify the health and safety of the *premises* and to verify compliance with this By-law and any other applicable by-law and/or regulations.

2.1 Parking

- a. Parking requirements for *short-term accommodations* shall be one parking space for each *licensed bedroom* in addition to the required parking for the dwelling and any other on-site uses, as set out in the *Zoning By-law*.
- b. The total number of parking spaces required shall be determined according to the criteria in place at the time of the initial application for *license* provided that the *property* has been continually used under the authority of a *license* since the time of the initial application for *license*. In the event that the *property* has not been continually used under the authority of a *license* since the initial application, the total number of required spaces shall be determined according to the criteria in place at the time of the current application held by the *licensee*.
- c. The *licensee* shall be responsible for ensuring that guests park in the areas designated on the approved site plans.

Part 3 – Licensing Process

The *Municipal Clerk* shall be responsible for the administration of this By-law.

3.1 Application Requirements

- a. An application for a *license* to operate a *short-term accommodation* shall be submitted to the *Municipal Clerk*, and shall include:
 - i. The location of the *short-term accommodation premises* on the *property*, and any and all other buildings and structures with setbacks indicated from all *property* lines;
 - ii. The location and dimensions of the parking area(s) and the required parking spaces;

- iii. The location and dimensions of the driveway access to the required parking spaces;
 - iv. The location and dimensions of any the outdoor amenity area(s) and features (eg. deck, patio, hot tub, pool).
- b. A clear and legible floor plan for each floor of the *short-term accommodation premises* showing:
- i. The proposed use and dimensions of each room;
 - ii. The location of all fire extinguishers;
 - iii. The location of all exits;
 - iv. The location and dimensions of all windows.
- c. The application fee paid in full as set out in Appendix "1" to this By-law;
- d. The *licensee* shall be responsible for informing the *Municipal Clerk* in writing of any changes to the information contained in the application.
- e. The submission of false or misleading information will result in the application being voided and the application fee being surrendered to the *City*.

3.2 Application Process

- a. Upon receipt of a complete application, the *Municipal Clerk* shall:
- i. Forward the application to the Corporate Services Department and the Fire Department;
 - ii. Forward the application to the Timiskaming Health Unit for properties that are not serviced with municipal water and/or sanitary sewer services;
 - iii. Arrange for a pre-*license* inspection of the *premises* with the *applicant* and the *By-law Enforcement Officer* and any other *City* staff as may be necessary, to ensure the accuracy of the information contained in the application and compliance with the following:
 - 1) The provisions of this By-law;
 - 2) The Ontario Fire Code;
 - 3) The Ontario Building Code;
 - 4) The *Property Standards By-law*;
 - 5) The *Zoning By-law*;
 - 6) Any other *City* by-law that may affect the status of the application or the issuance of a *license*.

3.3 License Issuance and Denial

- a. Where the complete application has been reviewed and the pre-*license* inspection completed and no issues/concerns have been noted, or all issues/concerns have subsequently been addressed, the *Municipal Clerk* shall issue a *license*.
- b. The *Municipal Clerk* may refuse to issue a *license* under the following circumstances:
 - i. If any of the information submitted in the application is incomplete or incorrect or the application fee has not been paid;
 - ii. If a *license* has previously been revoked, suspended, made subject to special conditions, or where the *owner* and/or *licensee* has a history of contravention of this or any other *City* by-law;
 - iii. If the application does not comply with the requirements included in this By-law.

3.4 License Time Period

- a. A *license* shall be valid for two years from the date of issuance, as indicated on the *license*.
- b. Upon expiration of the *license* the *licensee* shall be responsible for applying to renew the *license* and the *City* will not provide notice that the *license* is due to expire.
- c. When a *property* is sold to which a *short-term accommodation license* applies, the new *owner* has six months from the possession date to apply for a *license* in order to maintain the *short-term accommodation* status under the most recent *license* and regulations.

3.5 Payment of Fees

- a. Upon issuance of a *license* the *licensee* shall pay the annual fees for the duration of the *license* period.

3.6 Refunds and Penalties

- a. If a *license* application is denied the application fee will not be refunded to the *applicant*.
- b. Should a *licensee* wish to cancel their *license* during the two-year term, the *licensee* must advise the *Municipal Clerk* in writing that they have not operated in the year in which they are requesting the refund. A full refund for the remaining terms of the *license* will be issued. A refund must be requested no later than June 1st of the year in which the refund is being requested.

Part 4 – Enforcement and Violations

- a. The *licensee* shall be responsible for informing the *Municipal Clerk* in writing of any changes to the approved information or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing in this By-law shall permit a *licensee* to rent any rooms other than those identified on the floor plans approved by the *City*.
- b. The *By-law Enforcement Officer* is empowered, upon presentation of proper credentials, to enter the *property* and/or *premises* at any reasonable time to inspect any building, structure, or the *property* and/or *premises* for the purpose of determining whether this By-law, or a notice or order issued against the *property* is being complied with. Such inspections shall be carried out during business hours, being between 8:30 a.m. and 4:30 p.m., unless an emergency situation exists where public safety is at risk.
- c. When, in the opinion of *City* staff, a violation of this By-law has occurred or exists, the *Municipal Clerk* shall issue a written notice to the *owner*. The notice shall specify the sections of the By-law to which a violation is occurring, and shall state the timeframe within which the violation must be corrected. If the violation is not corrected within the stipulated timeframe the *City* may correct the alleged violation at the expense of the *owner*.
- d. Service of any notice under this Section shall be carried out by personal service or registered mail upon the *licensee*, and, if the *owner* is not the *licensee*, upon the *owner* by the *Municipal Clerk* or *By-law Enforcement Officer*, or by hand delivering the notice to the address of the *licensee* as indicated on the application form and, if the *owner* is not the *licensee*, to the address of the *owner* as listed in the *City's* assessment role.
- e. Where notice is given by personal service, the serving of the notice shall be considered complete on the date the notice is delivered. Where notice is given by registered mail, the serving of the notice shall be considered complete two (2) business days after the mailing of the notice.

4.1 License Suspension and Revocation

- a. A *license* may be suspended, revoked, or made subject to special conditions for any of the following:
 - i. Any breach of the provisions of this By-law;
 - ii. Any breach of the provisions of any other applicable by-law or regulations;
 - iii. Refusal to comply with any notice of violation within the stipulated timeframe;
 - iv. The determination that any information submitted in the application was false or misleading.

4.2 Appeal

- a. An *applicant* whose application has been refused, or a *licensee* whose *license* has been revoked who is not satisfied with the reasons given for refusal of the application or revocation of the *license* may appeal such refusal or revocation to *Council*.
- b. An appeal must be made in writing to the *Municipal Clerk* no later than fourteen (14) days after the service of notice of refusal or revocation has been completed and must set out the *applicant* or *licensee's* reasons for appealing the refusal or revocation.
- c. Upon receipt of an appeal, staff shall provide the application information and any and all background information for *Council's* consideration at the next available regularly scheduled *Council* meeting.

Part 5 – Penalty for Non-Compliance

1. Every Person who contravenes a provision of this By-law shall upon the issuing of a notice, in accordance with Part 4 of this By-law, is liable to pay the *City* an *Administrative Penalty* in the amount set out in Appendix 01 herein.
2. An *Administrative Penalty*, that is not paid within 15 days after it becomes due and payable, shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 Municipal Act, 2001, S.O. 2001, c. 25, as amended.

Part 6 – Conflict and Severability

1. If any portion of this By-law is found to be in conflict with any provision of any *Zoning By-law*, the Ontario Building Code, the Ontario Fire Code, other safety regulations, or any other regulations or by-law of the *City*, the provision which establishes the higher standard shall prevail.
2. Should any Section, clause, or provision of this By-law be declared by a Court of contempt jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

Fee Schedule & Administrative Penalty

Application fee:	\$250.00 (non-refundable)
Annual fee:	\$125.00 per <i>licensed bedroom</i>
Operate without a license <i>Administrative Penalty:</i>	<i>\$1,000 annually</i>

The Corporation of the City of Temiskaming Shores

By-law No. 2022-015

**Being a by-law to amend By-law No. 2012-101 as amended, to
Regulate Traffic and Parking of Vehicles in the City of
Temiskaming Shores – Designated Truck Route on Radley Hill**

Whereas Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons; and

Whereas Section 102.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles; and

Whereas the Council of the Corporation of the City of Temiskaming Shores adopted By-law No. 2012-101 on November 6, 2012 to regulate traffic and parking of vehicles in the City of Temiskaming Shores; and

Whereas Council considered Administrative Report No. PW-001-2022 at the February 1, 2022 Regular Council meeting, and directed staff to amend By-law No. 2012-101 to Regulate Traffic and Parking of Vehicles in the City of Temiskaming Shores by extending the Designated Truck Route on Radley Hill Road from Highway 11 to Lakeshore Road, for consideration at the February 1, 2022, Regular Council meeting.

Now therefore the Council of the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council hereby amends By-law No. 2012-101, more specifically Appendix “23” – Providing for the Designation of Reduced Load Periods on Streets, Table (B) Designated Truck Routes, of Schedule “A” by deleting the Radley Hill Road row within Table (B) and replacing it with the following:

<u>Street</u>	<u>From</u>	<u>To</u>
Radley Hill Road	HWY 11	Lakeshore Road

2. That this by-law shall come into force and take effect on the date of its final passing.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk

The Corporation of the City of Temiskaming Shores

By-law No. 2022-016

Being a by-law to enter into an Agreement with Automotive Materials Stewardship Inc. (AMS) for Automotive materials (oils, oil filters and antifreeze) collected as part of the Household Hazardous Waste Collection Event

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council adopted By-law No. 2017-070 at the May 16, 2017 Regular Council meeting, to enter into an Agreement with Municipal Automotive Materials Stewardship Inc. (AMS) for Automotive Materials (oils, oil filters and antifreeze) collected as part of the Municipal Hazardous or Special Waste – Orange Drop Collection Events; and

Whereas in June of 2021, Ontario Regulation 449/21: Hazardous and Special Products was introduced under the Resource and Circular Economy Act to finalize the transition of this waste diversion stream, and to outline the material that producers are responsible for; and

Whereas as a result of Ontario Regulation 449/21, Municipal Automotive Stewardship Inc. transitioned to a Producer Responsible Organization (PRO), and issued a new agreement to the City as a PRO, to provide funding for the material collected at the City's annual Household Hazardous Waste Collection event; and

Whereas Council considered Administrative Report No. PW-002-2022 at the February 1, 2022 Regular Council meeting, and directed staff to repeal By-law No. 2017-070 and associated amendments, and to prepare the necessary by-law to enter into a new agreement with Automotive Materials Stewardship Inc. to provide funding for the material collected at the City's annual Household Hazardous Waste Collection Event, for consideration at the February 1, 2022, Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to enter into an Agreement with Automotive Materials Stewardship Inc. (AMS) for Automotive Materials (oils, oil filters and antifreeze) collected as part of the City's Household Hazardous Waste Collection Event, a copy of which is attached hereto as Schedule "A" and forming part of this by-law.

2. That By-law No. 2017-070 (Agreement with Municipal Automotive Materials Stewardship Inc), and amending By-Law No. 2020-011 be hereby repealed.
3. That this by-law shall come into force and effect on October 1, 2021.
4. That the Mayor and Clerk of the City of Temiskaming Shores are hereby authorized to execute amendments and/or contract change order to this agreement after the passage of this by-law, where Council has requested and/or approved the said amendment and/or contract change order through a Resolution of Council.
5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor changes or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule “A” to

By-law No. 2022-016

Agreement between

The Corporation of the City of Temiskaming Shores

and

Automotive Materials Stewardship Inc.

for Automotive Materials as part of the Household
Hazardous Waste Collection Event

MUNICIPAL & FIRST NATIONS AUTOMOTIVE MATERIALS SERVICES AGREEMENT

THIS AGREEMENT is made as of the 1st day of October, 2021 (the “**Effective Date**”).

BETWEEN:

AUTOMOTIVE MATERIALS STEWARDSHIP INC. (“AMS”)

- and -

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES (“COLLECTOR”)

collectively, the “Parties”

Reporting Contract #: _____ *(completed by AMS)*

WHEREAS:

- A. AMS will be offering services as a producer responsibility organization (“**PRO**”) under the Hazardous and Special Products Regulation (“**HSP Regulation**”) made under the *Resource Recovery and Circular Economy Act, 2016* (the “**RRCEA**”) (collectively, the “**AMS Program**”).
- B. As a PRO, AMS is establishing a collection and management system for HSP consisting of antifreeze (including antifreeze containers less than 30 litres), oil containers, and/or oil filters (collectively, “**Automotive Hazardous and Special Products**” or “**Automotive HSP**”) as more particularly defined below.
- C. AMS and Collector wish to enter into an agreement concerning the provision of services by the Collector to AMS concerning Automotive HSP.

NOW THEREFORE in consideration of the premises, the parties hereto agree as follows:

1.0 Definitions and Interpretation

1.1. Terms beginning with capital letters and used herein without definition shall have the meanings given to them in the RRCEA or the HSP Regulation or the *Municipal Act, 2001* (Ontario), as the case may be unless otherwise specified.

1.2. In this Agreement:

(a) “**Agreement**” means this Agreement and includes all schedules and amendments thereto;

(b) “**Automotive HSP**” means one or more of the following as defined under the Regulation:

(i) “**Oil Container**” means a container that is used for the supply of new lubricating oil and that has a capacity of 30 litres or less;

(ii) “**Oil Filter**” means a fluid filter, other than a gasoline filter, and includes,

a. a spin-on style filter or element-style fluid filter that is sold separately or as part of a product, that is used in hydraulic, transmission or internal combustion engine applications,

b. a filter used for oil, diesel fuel, storage tank fuel, coolant, household furnace fuel, and

c. a sump type automatic transmission filter

(iii) “**Antifreeze**” means a product containing ethylene or propylene glycol that is used or intended for use as a vehicle engine coolant and includes,

a. the initial antifreeze supplied with a new vehicle, and

b. antifreeze that is premixed and concentrated.

“Antifreeze” includes the product’s primary packaging where that packaging is less than 30 litres.

(c) “**Business Day**” means Monday through Friday, excluding statutory holidays and any other day that the Government of Ontario has elected to be closed for business;

(d) “**Claims Submission**” means submission to AMS of data required to validate claim for payment;

(e) “**Collection Services**” means all the activities, including those conducted at Events and Depots operated by or on behalf of the Collector, for the purpose of receiving, classifying, packing, storing and transferring Automotive HSP onto transportation vehicles, including the manifesting of the Automotive HSP prior to transportation from the Event or Depot;

- (f) “**Depot**” means a collection and transfer facility/location operated by or on behalf of the Collector for receiving Automotive HSP from the public and transferring to Haulers for processing or recycling;
- (g) “**Diversión Report**” means invoices, Automotive Material tonnage reports, or other such documents in the form and format specified by AMS as may reasonably be required from time to time for the validation of Claims Submissions;
- (h) “**Event**” means a one-day or other collection event, operated by or on behalf of a Collector to collect, pack, transport, weigh, and process Automotive HSP from the public;
- (i) “**FOB**” means free on board;
- (j) “**Generator**” means the final user who generates waste which will be reused, recycled or disposed;
- (k) “**Hauler**” means a Service Provider that transports collected Automotive HSP to a Processor;
- (l) “**Manifesting**” means those activities associated with preparing a manifest for Post-Collection Services in accordance with Regulation 347 made under the *Environmental Protection Act* (Ontario);
- (m) “**Material Management Services**” means the Collection Services and/or Post-Collection Services provided by the Service Provider;
- (n) “**Packing Standards**” means the Waste Packing Protocols listed in Schedule “C” as amended by AMS from time to time;
- (o) “**Post-Collection Services**” means the management of Automotive HSP after transfer of such Automotive HSP to a Hauler FOB the Event or Depot location, including but not limited to transportation of Automotive HSP from Events and Depots, consolidation, sorting, weighing, processing, recycling, and safe disposal of residual waste and other post-collection waste management activities;
- (p) “**Processor**” means a Service Provider that processes collected Automotive HSP;
- (q) “**Service Provider**” means a Hauler and/or Processor, approved by AMS as posted in a secure location on the AMS website accessible to Collector, that provides Material Management Services to AMS or the Collector as the case may be; and
- (r) “**WeRecycle Portal**” means AMS’s online system for uploading Claims Submissions.

2.0 Material Management Services

- 2.1. This Agreement is for three different service location types for the provision of Material Management Services by the Collector to AMS. These are as follows:

(a) Depot

- (i) The Collector or the Collector's Service Provider provides Depot Collection Services for Automotive HSP. AMS pays the Collector an hourly rate for the Collection Services of Automotive HSP.
- (ii) Automotive HSP are to be separately sorted by material as per Packing Standards by the Collector at its Depots and made ready for pick-up by approved AMS hauler.
- (iii) Depots must accept, at a minimum, all types of HSP that are in the same category as that type of HSP as defined in the Regulation.
- (iv) Depots must accept from a person, at a minimum, up to 25 kilograms per day of each type of Automotive HSP.
- (v) If a Depot accepts more than 50 kilograms of Automotive HSP from a person on a single day, Collector shall make reasonable efforts to record the person's name, contact information, any unique identifier assigned by the Registrar and the weight of Automotive HSP accepted.

(b) Event

- (i) The Collector or the Collector's Service Provider provides Event Collection Services for Automotive HSP. The Collector may combine Events with other activities, including collection of non-Automotive HSP. AMS pays the Collector a cost per tonne of Automotive HSP as per Schedule "B" for the Collection and Post-Collection Services.
- (ii) An Event must accept antifreeze, oil containers and oil filters.
- (iii) An Event must operate for a minimum of four (4) consecutive hours.

(c) Event (and transportation to Depot)

- (i) The Collector or the Collector's Service Provider provides Event Collection Services for Automotive HSP and transports the collected Automotive HSP to a Depot. AMS pays the Collector a cost per tonne.
- (ii) Automotive HSP are to be separately sorted by material as per Packing Standards by the Collector at its Depots and made ready for pick-up by an approved AMS Hauler.

For the purpose of this Agreement, AMS and the Collector have agreed that the service location types marked with an "X" below will be the ones under which the Collector will provide Material Management Services to AMS.

- Depot
- Event

- Event (and transportation to Depot)

2.2. AMS and Collector may agree in writing at any time to change the service location type under which Collector is providing Material Management Services to AMS herein to the other service location type listed or to add another service location type and this Agreement shall be deemed to have been amended accordingly.

3.0 Price and Payment

3.1. Price

(a) Material Management Services – Depot. AMS will pay for Material Management Services provided by the Collector as follows:

- (i) AMS will pay the Collector the hourly rate as set out in Schedule “B” for the Total Reimbursable Hours of Operation as specified in Schedule “A” for the Collection Services.
- (ii) AMS will pay Service Providers directly for Post-Collection Services for Automotive HSP collected at Depots.

(b) Material Management Services - Event. AMS will pay for Material Management Services provided by the Collector as follows:

- (i) AMS will pay the Collector an amount per tonne as set out in Schedule “B” for the Collection Services and Post-Collection Services for each of the approved Events that are submitted as outlined in Schedule “A”. The actual weight of the Automotive HSP as determined by the Service Provider providing the Post-Collection Services will be used.

(c) Material Management Services – Event (and transportation to Depot). AMS will pay for Material Management Services provided by the Collector as follows:

- (i) AMS will pay the Collector an amount per tonne as set out in Schedule “B” for the Collection Services and transportation of Automotive HSP to a Depot for each of the approved Events that are submitted as outlined in Schedule “A”. The actual weight of the Automotive HSP as determined by the Service Provider providing the Post-Collection Services will be used.
- (ii) AMS will pay Service Providers directly for Post-Collection Services for Automotive HSP collected at Events and transported to Depots.

3.2. Payment

- (a) Material Management Services – Depot.
 - (i) For Depot Collection Services payable pursuant to Section 3.1(a)(i), AMS will pay the Collector pursuant to this Agreement within thirty (30) days of the end of each calendar month.
 - (b) Material Management Services - Event.
 - (i) To receive payment for Event Collection Services and Post-Collection Services, the Collector must upload a Claims Submission via the WeRecycle Portal and send AMS a copy of the shipping manifest(s) and Diversion Report(s) from the End Processor with respect to the Automotive HSP. The Claims Submission is to be submitted by Collector to AMS within thirty (30) days of Collector receiving the related Diversion Report(s) but no later than the end of the following calendar quarter. AMS will validate the Claims Submission with the Diversion Report(s) received from Collector within thirty (30) days of receipt and AMS will pay the Collector pursuant to this Agreement within thirty (30) days of the date on which AMS determines the claim to be correct and accurate. If any errors or omissions are found, AMS will issue a payment adjustment and AMS may require a corrected Claims Submission from the Collector.
 - (c) Material Management Services – Event (and transportation to Depot).
 - (i) To receive payment for Event Collection Services and transportation of Automotive HSP to a Depot, the Collector must upload a Claims Submission via the WeRecycle Portal and send AMS a copy of the shipping manifest(s) with respect to the Automotive HSP. The Claims Submission is to be submitted by Collector to AMS within thirty (30) days of Collector receiving the related manifest(s) but no later than the end of the following calendar quarter. AMS will validate the Claims Submission with the manifest(s) received from Collector within thirty (30) days of receipt and AMS will pay the Collector pursuant to this Agreement within thirty (30) days of the date on which AMS determines the claim to be correct and accurate. If any errors or omissions are found, AMS will issue a payment adjustment and AMS may require a corrected Claims Submission from the Collector.
- 3.3. Collector will provide any additional back-up/supporting information reasonably requested by AMS to verify the accuracy of the Claims Submissions from time to time.
- 3.4. The Collector will not charge residential Generators of Automotive HSP for collection of Automotive HSP at its Depots or Events.
- 3.5. Late Submission Penalties
- (a) AMS may reduce amounts payable under Claims Submissions which are not submitted to AMS within the time periods set out in section 3.2 (b) and (c) by five (5%) per cent per month.
 - (b) AMS will have no responsibility to pay and Collector will forfeit the right to claim for, any Claim Submission in respect of a calendar year which is not received by AMS by January 31 of the following calendar year.

4.0 Supplemental Reporting

In addition to all other reporting requirements in this Agreement, Collector will provide information to AMS as required to satisfy AMS' reporting obligations to the Authority in the Regulation and the Hazardous and Special Products Verification and Audit Procedure document, each of which can be found on the Government of Ontario and the Authority websites respectively. AMS will make no more than two (2) requests per calendar year.

5.0 Facility Access and Audit Rights

- 5.1. Collector will grant AMS (or its authorized representative) or the Authority access to Collector's Depots used in the provision of Material Management Services to monitor Collector's performance in the delivery of Material Management Services. Such access will be during normal business hours and on a minimum of 48 hours' notice.
- 5.2. AMS or its representative will have the right to perform composition audits of Automotive HSP in the possession or control of the Collector and to review any documentation or other work product resulting from Material Management Services ("Audit Rights") at AMS' expense.
- 5.3. Collector will co-operate with AMS to allow AMS or its representative, to exercise its Audit Rights, and make reasonable efforts to provide access to adequate, indoor space and weighing devices, if available, at Collector's facilities at no charge to AMS.
- 5.4. All parties acting on behalf of AMS are bound by strict confidentiality agreements.

6.0 Term

- 6.1. This Agreement will commence on the Effective Date and its initial term will continue until December 31, 2022. This Agreement will automatically renew for successive one (1) year terms unless or until it is terminated in accordance with this Agreement. The initial term and any such additional term or terms are herein referred to as the "Term".

7.0 Exclusivity

- 7.1 The Collector will collect Automotive HSP exclusively on behalf of AMS and not for any other entity. In particular, Collector agrees not to enter into any other collection agreement for Automotive HSP with another producer responsibility organization or producer.

8.0 Title and Compliance with Laws

- 8.1. Title to all Automotive HSP collected by Collector at Events and Depots will belong to Collector from the time of collection until transfer of the collected Automotive HSP to an approved Hauler. At no time will AMS have title to Automotive HSP unless handled directly by AMS employees. Any contract entered into between Collector and a Service Provider for Automotive HSP must provide that title transfers to the Service Provider.
 - (a) Notwithstanding the foregoing, if the Collector operates a reuse program for any Automotive HSP, title to the Automotive HSP being reused shall transfer to Collector one (1) second prior to being given to the person or entity requesting it for reuse purposes.

8.2. In performing Material Management Services hereunder, Collector represents and warrants that it will at all times, and will require its Service Providers to, have all Certificates of Approval (also known as an Environmental Compliance Approval), and any other approvals required and that it will otherwise comply at all times and require its Service Providers to comply, with all applicable laws, regulations and requirements of any governmental authority having jurisdiction, including without limitation the Ontario Ministry of the Environment and the Ontario Ministry of Labour.

9.0 AMS Policies, Standards and Guidelines

9.1. Collector will at all times comply with the HSP Regulation and the HSP Verification and Audit Procedure document as applicable.

9.2. AMS may develop from time to time, policies, standards and guidelines relative to the provision of Material Management Services or make amendments thereto.

9.3. The AMS Waste Packing Standards in effect at the time of entering into this Agreement are included in Schedule "C" for convenience.

9.4. Collector will use best efforts to comply with, and will require that any of its contractors supplying Material Management Services use best efforts to comply with the provisions of all such policies, standards and guidelines as they pertain to the provision of Material Management Services. AMS will communicate any new or amended such policies, standards and guidelines to Collector via email.

9.5. Collector may provide written notice within thirty (30) days of receiving such communication that it does not wish to comply with a new or amended policy, standard or guideline, and in the event that the Collector provides such written notice either Party may exercise the termination provisions of 22.5(b).

10.0 Promotion and Education

10.1. Promotion and education of the proper end of life management of Automotive HSP is essential. The Collector will work cooperatively with AMS in undertaking such promotion and education activities with respect to Automotive HSP and collection of the Automotive HSP by the Collector as may be reasonably requested by AMS from time to time.

10.2. If a Collector provides Material Management Services for an Event or an Event (and transportation to Depot), the Collector will promote each Event in the local municipality, territorial district or First Nations community where it will be held for at least one week prior to the date of the Event using a combination of two or more forms of media, including but not limited to:

- local print publications
- local print media
- local radio
- local signage, or
- social media.

Collector will submit a report to AMS in a form and format specified by AMS that indicates how the Collector promoted each Event.

- 10.3. The Collector must submit to AMS draft copies of all publications that make use of AMS trademarks and logos for approval, which AMS may withhold for any reason.
- 10.4. The Collector, its employees and Service Providers will not engage in any activity that may cause or perceive to cause harm to Automotive Materials Stewardship or any brand owned or used under license by AMS.

11.0 Indemnity and Insurance

- 11.1. Each party (the “Indemnifying Party”) hereby indemnifies and saves harmless the other party (the “Indemnified Party”) on its behalf and as trustee for, its respective directors, officers, contractors, employees and agent, from and against any and all manner of actions or causes of actions, damages (but not including consequential damages), costs, loss or expenses of whatever kind (including related legal fees on a full indemnity basis) which the Indemnified Party, its directors, officers, contractors, employees and agents may sustain, incur or be put to by reason of or directly or indirectly arising out of any breach of this Agreement by the other party or any wilful misconduct or negligence of the Indemnifying Party or any person for whom the Indemnifying Party is, at law, responsible, in relation to matters arising out of this Agreement.
- 11.2. The Collector will, during the Term of the Agreement, self-insure, maintain at its expense and/or require any Service Provider to maintain at either the Collector’s or Service Provider’s expense Comprehensive General Liability coverage with limits of not less than \$5,000,000 (five million dollars) per occurrence. For clarity, only the Collector can self-insure.
- 11.3. The Comprehensive General Liability policy of insurance referred to in this section will include AMS as an additional insured.
- 11.4. Unless the Collector wholly self-insures, the Collector will deliver a copy of Certificate(s) of Insurance maintained by the Collector or a Service Provider pursuant to this Agreement, upon the effective date of this Agreement, and annually upon renewal of the Collector or Service Provider’s insurance, naming AMS as an additional insured with the following language:

“Automotive Materials Stewardship and its affiliated entities, officers, partners, directors, employees, representatives and agents are included as Additional Insureds for Comprehensive General Liability. Such coverage is primary and non-contributing.”

If the Collector wholly self-insures, the Collector will deliver a letter stating such self-insurance to AMS upon the effective date of this Agreement, and annually upon each automatic renewal of this Agreement.

- 11.5. The Certificate(s) of Insurance, referred to in subsection 11.4, must also provide that AMS will be provided with thirty (30) days advance written notice of cancellation, termination, non-renewal or material change.

12.0 Assignment

- 12.1. The Collector may not subcontract or assign any of its rights or obligations under this Agreement or any part thereof without the prior written consent of AMS.
- 12.2. Notwithstanding subsection 12.1, the Collector may assign any of its rights or obligations under this Agreement or any part thereof without the prior written consent of, but with written notice to, AMS:
- (a) from a Lower-tier Municipality to an Upper-tier Municipality or vice versa;
 - (b) to a municipal service board pursuant to sections 194 to 202 of the Municipal Act, 2001, as amended; or
 - (c) to a municipal business corporation pursuant to section 203 of the Municipal Act, 2001, as amended.

13.0 Notices

Any notice, request, demand or other instrument or communication herein provide, permitted or required to be given by either AMS or the Collector will be in writing and sufficiently given if delivered personally, by facsimile transmission or other electronic means of written communication tested prior to transmission to the extent such testing is available (unless otherwise expressly provided herein) or if sent by registered mail to the following respective address hereinafter set out, namely:

Notices to AMS will be delivered to:

Operations Officer
Automotive Materials Stewardship
1 St. Clair Avenue West, Suite 701
Toronto, ON M4V 1K6

Email: operations@autostewardship.ca

Notices to the Collector will be delivered to:

Steve Burnett, Manager of Environmental Services
City of Temiskaming Shores
325 Farr Drive, PO Box 2050
Haileybury, ON P0J 1K0

Email: sburnett@temiskamingshores.ca

Any such notice if delivered personally, by facsimile transmission or by other electronic means will be conclusively deemed to have been given on the day of personal delivery, or facsimile transmission or electronic communication (and if after 5 p.m. E.T. the next following Business Day), or if mailed as aforesaid, will be conclusively deemed to have been received on the fifth (5th) business day following the day on which such notice is mailed as aforesaid (except during a postal strike in which case such notice shall be delivered via courier). Either party may, at any time, give written notice to the other of any change of address (postal and/or email) of the party giving such notice and from and after the giving of such notice the address therein specified shall (in the absence of knowledge

to the contrary) be deemed to be the address of such party for the giving of notices thereafter.

14.0 No Partnership or Joint Venture

- 14.1. This Agreement does not create and will not in any circumstances create or be deemed to create a partnership or joint venture between the parties. For all purposes Collector will be an independent Collector.

15.0 Severability

- 15.1. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such determination will not impair or affect the validity, legality or enforceability of the remaining provisions hereof, and each provision is hereby declared to be separate, severable and distinct. To the extent that any such provision is found to be invalid, illegal or unenforceable, the parties hereto will act in good faith to substitute for such provision, to the extent possible, a new provision with content and purpose as close as possible to the provision so determined to be invalid, illegal or unenforceable.

16.0 Amendment and Waivers

- 16.1. No amendment or waiver of any provision of this Agreement will be binding on any party unless consented to in writing by such party. No waiver of any provision of this Agreement will constitute a waiver of any other provision, and no waiver will constitute a continuing waiver unless otherwise provided.

17.0 Further Acts

- 17.1. Each party will execute all such documents and do all such other acts and things as may be necessary or desirable from time to time in order effectively to carry out the provisions of this Agreement and will not to take any action, or omit to take any action, that would constitute a breach of this Agreement.

18.0 No Third Party Beneficiaries

- 18.1. No person or entity which is not a party hereto will have any rights or obligations pursuant to this Agreement or be permitted to place any reliance on anything in this Agreement or on the continuation of this Agreement.

19.0 Counterparts and Facsimile

- 19.1. This Agreement may be executed in counterparts, and may be transmitted by facsimile or secure electronic document (PDF) each of which will constitute an original and all of which taken together will constitute one and the same instrument.

20.0 Force Majeure

- 20.1. In the event that either party hereto is delayed or hindered in the performance of any act required herein by reason of Acts of God, riots, insurrection, war or other reasons of a like nature not the fault of such party (an "Event of Force Majeure"), then the performance of

such act will be excused for the period of the delay and the period for performance of any such act will be extended for a period equivalent to the period of such delay. The party whose performance of this Agreement is or may reasonably be expected to be affected by an Event of Force Majeure will promptly notify the other party of the existence of such circumstances and will use its best efforts to resume and complete performance. Whenever a party is reasonably certain that such an Event of Force Majeure is likely to occur, it will notify and consult with the other party as soon as practicable. All time periods for the performance of obligations hereunder will be extended by a period corresponding to the time period of any delay caused by the occurrence of an Event of Force Majeure.

21.0 Dispute Resolution

- 21.1. All disputes arising out of in connection with this Agreement, or in respect of any legal relationship associated with or derived from this Agreement, that cannot be resolved within thirty (30) days by a senior representative of each party, will upon written notice by any party to the others be arbitrated and finally resolved by one (1) arbitrator qualified by education, experience or training to render a decision upon the issues in dispute and who has not previously been employed by any party or any of their affiliates, and does not have a direct or indirect interest in any party or the subject matter of the arbitration. Such arbitrator will either be mutually agreed upon by the parties within thirty (30) days after written notice from any party requesting arbitration or, failing agreement, the Resource Productivity and Recovery Authority may appoint the arbitrator on behalf of the Parties after receiving written submission from both.

22.0 Termination

- 22.1. Upon execution of this Agreement by the Collector and acceptance by AMS, any prior agreement between the same Collector and AMS is automatically terminated with immediate effect, except for the provisions in the prior agreement which are expressly stated as surviving termination.
- 22.2. If, in the reasonable opinion of either party, there has been a breach of this Agreement (which, in the case of a Collector, includes the Collector's compliance with the policies, standards, and guidelines described in section 9.0) by the other party (the "defaulting party"), the Collector or AMS (the "party giving notice") may give the defaulting party written notice to remedy the breach or default within sixty (60) days, failing which the Agreement may be terminated. In the event that the remedy of such breach reasonably requires more than sixty (60) days, the defaulting party will so advise the party giving notice forthwith and provide a revised timetable for remedying the breach. The party giving notice will notify the defaulting party in writing as to whether the revised time line is acceptable and, if it is, the revised time line to remedy such breach will apply.
- 22.3. On the date of termination neither party shall have any obligations, financial or otherwise, hereunder save and except for matters and payment obligations arising prior to the date of termination.
- 22.4. Either Party may terminate this Agreement for any reason whatsoever save and except for matters arising from sections 22.2 & 22.5, without cause, cost or penalty, save and except for matters arising prior to termination, upon providing the other Party with ninety (90) days prior written notice of its intention to terminate this Agreement.

- 22.5. Either Party may terminate this agreement immediately upon written notice to the other Party, except as expressly stated, if:
- (a) Either Party assigns or subcontracts any of its rights or obligations under this Agreement or any part thereof except as expressly provided for herein; or
 - (b) the Collector provides written notice that it will not comply with any new or amended policies, standards and guidelines developed by AMS as per section 9.0; or
 - (c) the Collector fails to keep the terms of this Agreement confidential as per section 29.0, in such instances only AMS may terminate this agreement; or
 - (d) a receiver or trustee is appointed for any part of the assets of AMS; or
 - (e) AMS ceased to provide services as a PRO.

23.0 Survival

- 23.1. Articles 11, 22.3 and 29 of this Agreement will survive termination or expiry and continue in full force and effect.

24.0 Additional Conditions

- 24.1. The parties shall execute such further and other documents, cause such meetings to be held, resolutions passed and by-laws enacted, exercise their vote and influence, do and perform and cause to be done and performed such further and other acts and things as may be necessary or desirable in order to give full effect to this Agreement and every part thereof.

25.0 Entire Agreement

- 25.1. This Agreement constitutes the entire agreement between the parties with respect to all of the matters herein and supersedes and replaces all previous agreements, whether oral or written, concerning the same or similar subject matter.

26.0 Headings for Convenience Only

- 26.1. The division of this Agreement into articles and sections is for convenience of reference only and will not affect the interpretation or construction of this Agreement.

27.0 Governing Law

- 27.1. This Agreement will be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and each of the parties hereto agrees irrevocably to conform to the non-exclusive jurisdiction of the Courts of such Province.

28.0 Legislation References

- 28.1. Any reference in this Agreement to any law, by-law, rule, regulation, order or act of any government, governmental body or other regulatory body will be construed as a reference

thereto as amended or re-enacted from time to time or as a reference to any successor thereto.

29.0 Confidentiality

- 29.1. Subject to any legal requirements, including those included in the *Municipal Act, 2001* and the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), Collector will at all times treat Schedule "B" and the financial terms contained therein as private and confidential information.

To the extent permitted under MFIPPA, Collector will inform AMS of any request made of Collector under MFIPPA for any records related to this Agreement that may reveal a trade secret or scientific, technical, commercial, financial or labour relations information supplied in confidence by AMS to Collector so that AMS will have an opportunity to make representations to Collector with respect to the proposed disclosure.

30.0 Rights and Remedies

- 30.1. The rights, remedies and privileges in this Agreement given to the Parties:
- (a) are cumulative and any one or more may be exercised;
 - (b) are without prejudice to and are in addition to and apply notwithstanding any other provisions in this Agreement; and
 - (c) are not dependent or conditional upon, or in any way lessened, restricted or affected by any other provisions of this Agreement.

31.0 Schedules

- 31.1. Schedules "A" through "C" are attached hereto and incorporated in and form part of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date first set out above.

AUTOMOTIVE MATERIALS STEWARDSHIP

by: _____

Name: David Pearce

Title: Operations Officer

**THE CORPORATION OF THE CITY OF TEMISKAMING
SHORES**

by: _____

Name:

Title:

by: _____

Name:

Title:

Note: Second signatory to be completed by Collector only if Collector requires two signatories (and by leaving the second signatory blank and returning the Agreement to AMS, Collector and the first signatory represent that no additional signatories are required).

SCHEDULE “A” – COLLECTION ACCESSIBILITY SCHEDULES

Collector will collect all Automotive HSP from its residents according to the following Collection Accessibility Schedules.

Depots

Depot Name	Address	Days & Hours of Operation	Operating Season	Operating Hours	Reimbursable Hours
<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
TOTAL REIMBURSABLE HOURS					0

Events

Collector will use commercially reasonable efforts to submit Event Collection Accessibility Schedules in the format below to AMS for approval by March 31st of the calendar year in which the Events will be held, and in all cases will submit Event Collection Accessibility Schedules not less than sixty (60) days prior to the next planned Event. Once approved by AMS, the updated information on Event Schedules will be deemed to be incorporated into this Agreement.

Event Collection Accessibility Schedule - Example

Event #	Collector	Date	Location	Address	Collection Hours	Service Provider
<i>1</i>	<i>Collector name</i>	<i>Event date</i>	<i>Location name</i>	<i>Full address</i>	<i>ex. 9am - 2pm</i>	<i>SP Name</i>

INITIALLED BY COLLECTOR: _____

SCHEDULE "B" – PAYMENT FOR COLLECTION SERVICES

AMS will pay the Collector for Automotive HSP Collection Services as follows:

For Material Management Services – Depot, AMS will pay the Collector the rate of **\$0.00** per hour plus applicable taxes for the Total Reimbursable Hours set out in Schedule "A", to be paid in twelve (12) equal monthly instalments. For greater clarity, the monthly instalment will be calculated as Total Reimbursable Hours divided by twelve (12) and multiplied by the Hourly Rate.

For Material Management Services – Event, AMS will pay the Collector a rate of **\$2,200** per tonne of Automotive HSP plus applicable taxes.

For Material Management Services – Event (and transportation to Depot), AMS will pay the Collector a rate of **\$0.00** per tonne of Automotive HSP plus applicable taxes.

INITIALLED BY COLLECTOR: _____

SCHEDULE “C” – AMS WASTE PACKING STANDARDS

The following are AMS Waste Packing Standards applicable to this Agreement as of the date of this Agreement. Revisions to these standards will be posted in a secure location on the AMS website accessible to Collector.

Waste Packing Protocols

All collection site operators shall:

- 1.1 Pack waste according to the Ministry of the Environment and Climate Change waste classes and AMS Waste Packing Standards as outlined in Appendix A.
- 1.2 Ensure that Automotive HSP are handled and stored as follows:
 - In accordance with the conditions laid out in their respective Environmental Compliance Approval and all applicable laws and regulations.
 - Have the ability to receive wastes from the public in a controlled manner (direct supervision or monitored) in a customer drop-off area, as applicable;
 - Have adequate infrastructure to shelter material from inclement weather in a consolidation storage area;
 - Have sufficient space to receive, sort, store and prepare transportation containers for shipment:
 - As applicable, have material-handling equipment with the ability to move containers onto transport vehicles;
 - Be accessible to transport vehicles for pick- up of Automotive HSP; and
 - Have adequate security measures in place to prevent Automotive HSP from being tampered with by anyone at the site or using the collection facility at unauthorized times.
- 1.3 All waste must be packed in an approved UN container and all HSP transported must be contained in accordance with TDGA requirements.
- 1.4 Bulky items must be stored in an upright position in a secure area, and in accordance with Technical Standards & Safety Authority (TSSA) requirements.
- 1.5 Transportation containers must be filled to capacity, except if this practice contravenes either a ministry order or the Collection Site Operator’s Environmental Compliance Approval Storage Requirements. Waste material collected at event days is an exception since it may not always be possible to fill a transport container of a given waste class to capacity.
- 1.6 Make use of vermiculite in sufficient quantity to cover and protect the waste material from breakage when there is a potential for spillage or breakage of containers in a lab pack during transport:

- 1.7 Place large pails (20 litres or more) on skids and shrink wrap to prevent shifting of waste during transport. Alternatively, gaylord boxes may be used.
- 1.8 Contamination allowances:
- Reasonable efforts must be taken to minimize contamination.
 - The maximum contamination allowance is 5%. This is a weight-based allowance assessed on individual transport containers for a given waste class.
 - Contamination levels in transport containers (mis-packed Automotive HSP, non-program wastes as identified in Appendix A) will be monitored by AMS through random sampling. Collection site operators will be required to take corrective action if contamination allowances are exceeded. AMS reserves the right to revoke the collection site's approval status if corrective action is not taken as requested by AMS.

Appendix A – Waste Packing Standards

Please note: Automotive Materials Stewardship requires that waste materials in each individual row (as numbered in the first column on the left) be packed separately (even though they may be packed under the same waste class)

#	Waste Class / UN#	Examples of Inclusions	Examples of Exclusions	Eligible Generators
1	Antifreeze Bulked – 212 Or Antifreeze Lab Pack – 212	<ul style="list-style-type: none"> • Antifreeze returned in containers with a volume of 30 litres or less. • Antifreeze recovered from vehicles at automotive service centres. 	<ul style="list-style-type: none"> • Plumbing antifreeze; • Vehicle windshield antifreeze; • Product marketed as industrial heat transfer fluid; • Fuel (gasoline & diesel) antifreeze; Lock de-icer; • Air brake antifreeze; • Antifreeze which does not contain ethylene or propylene glycol; • Containers used to deliver Antifreeze with a capacity greater than 30 litres. 	<ul style="list-style-type: none"> • Residential • All IC&I
2	Empty Auto Containers Or Empty Auto Containers - Shredded	<ul style="list-style-type: none"> • Antifreeze containers that are 30 litres or less; • Containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil. • Note: Lubricating oil includes: Synthetic crankcase or engine oil; Hydraulic fluid; Polyester fluids; Circulating oil or turbine oil; Paper machine oil; Transmission fluid; Power steering fluid; Gear oil; Vegetable oil for lubrication; Re-refined oil; Electrical insulating oil; Refrigeration system oil; Compressor oil; Mineral heat transfer fluid; Marine engine oil for vessels operating domestically; Metal working oil; Form release oil; Textile oil; Chain oil; Rock drill oil; 2-cycle engine oil; Gasoline / 2-cycle engine oil mixes; Saw guide oil; Drawing, stamping and shaping oil; Process oil; Deducting oil; Marine cylinder oil; Machine tool and sideway lubricant; Natural gas compressor oil; Conveyor lube; Dripless lube; Quenching oil; Pneumatic system oil; Rustproof oil; Food grade white mineral oil. 	Containers from any of the following: Oil treatment; Diesel fuel treatment; Cleaning/flushing fluids for motors/equipment; Winter start fluid; Brake fluid; Undercoating; Penetrating oil; Hydraulic jack oil; 3-in-1 household oil; Aerosol propelled lubricant; Gun oil; Kerosene; Urethane coating; Sewing machine oil; Cooking oil; Windshield washer fluid; Emulsified oil.	<ul style="list-style-type: none"> • Residential • All IC&I

#	Waste Class / UN#	Examples of Inclusions	Examples of Exclusions	Eligible Generators
3	Oil Filters - 252	<ul style="list-style-type: none"> • Spin-on or element style filters that are used in hydraulic, transmission or internal combustion engine applications; • Diesel fuel filters; • Household furnace fuel filters; • Coolant filters; • Storage tank diesel fuel filters; • Plastic & paper element style filters; • Diesel fuel filters used at retail commercial pump islands 	<ul style="list-style-type: none"> • Gasoline fuel filters; • Air filters (automotive or non-automotive); • Household furnace air filters; • Sock-type filters 	<ul style="list-style-type: none"> • Residential • All IC&I

The Corporation of the City of Temiskaming Shores

By-law No. 2022-017

Being a by-law to amend By-law No. 2015-096 to enter into an Agreement with Product Care Association and the City of Temiskaming Shores for Phase 1 materials (paints and coatings) collected as part of the Municipal Hazardous or Special Waste Orange Drop Collection Event – Amendment No. 2

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council for the City of Temiskaming Shores adopted By-law No. 2015-096 at the May 5, 2015 Regular Council meeting, to enter into an agreement with Product Canada Association (PCA) for the provision of certain services concerning Phase 1 materials, paints and coatings; and

Whereas Council for the City of Temiskaming Shores adopted By-law No. 2016-038 at the March 15, 2016 Regular Council meeting, to amend the agreement with Product Canada Association (PCA) to include payments associated with the collection of pesticides, solvents and fertilizers; and

Whereas in June of 2021, Ontario Regulation 449/21: Hazardous and Special Products was introduced under the Resource and Circular Economy Act to finalize the transition of this waste diversion stream, and to outline the material that producers are responsible for; and

Whereas as a result of Ontario Regulation 449/21, Product Care Association transitioned to a Producer Responsible Organization (PRO), and issued an amending agreement to the City as a PRO, to provide funding for the material collected at the City's annual Household Hazardous Waste Collection event; and

Whereas Council considered Administrative Report No. PW-002-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to amend By-law No. 2015-096 as amended, for Product Canada Association to provide funding for the material collected at the City's annual Household Hazardous Waste Collection Event, for consideration at the February 1, 2022, Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Schedule "A" to By-law No. 2015-096 as amended, be hereby further amended by the Amending Agreement No. 2, a copy of which is hereto attached as Schedule "A" and forms part of this by-law.
2. That this by-law shall come into force and effect on October 1, 2021.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-017

Amending Agreement between

The Corporation of the City of Temiskaming Shores

and

Product Care Association

**AMENDING AGREEMENT NO. 2 TO THE
PRODUCT CARE ASSOCIATION – MUNICIPAL INDUSTRY STEWARDSHIP PLAN (ISP)
MATERIALS SERVICES AGREEMENT**

THIS AMENDING AGREEMENT NO. 2 (the “Amending Agreement No. 2”) is made effective as of the 1st day of October, 2021.

BETWEEN:

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

(the “Municipality”)

- and -

PRODUCT CARE ASSOCIATION OF CANADA

(“PCA”)

RECITALS:

- A. The Municipality and PCA (together, the “Parties”) entered into the Product Care-Municipal Industry Stewardship Plan (ISP) Materials Services Agreement (the “Agreement”) made as of the 30th day of June, 2015 for the provision of certain services by the Municipality to PCA concerning Phase 1 materials, which were paints and coatings and the containers in which they are contained, as defined by the Industry Stewardship Plan for Paints and Coatings (the “ISP”) pursuant to section 34 of the *Waste Diversion Act, 2002*, SO 2002, c 6, which was in force at the time, but which has since been repealed as of November 30, 2016.
- B. The Agreement has been amended by Amending Agreement No. 1 effective the 1st of April 2016, which forms part of the Agreement, to add services for pesticides, solvents and fertilizers and the containers in which they are contained, as defined by the ISP.
- C. The Municipal Hazardous or Special Waste Program operated by Stewardship Ontario (“SO”) and the ISP program will cease operations on the 30th of September 2021. As of the 1st of October 2021, Ontario Regulation 449/21 (Hazardous and Special Products; the “HSP Regulation”) under the *Resource Recovery and Circular Economy Act, 2016*, SO 2016, c 12, *Sched. 1 (the “RRCEA”)* will come into effect and replace repealed legislation regarding resource recovery and waste diversion.
- D. The Resource Productivity and Recovery Authority (“RPRA”) was created by the Government of Ontario to support the transition and oversee waste diversion programs. RPRA’s authority is received from the RRCEA and the *Waste Diversion Transition Act, 2016*, SO 2016, c 12, *Sched. 2 (the “WDTA”)*. The purpose of the WDTA includes promoting the orderly winding up of waste diversion programs and industry funding organizations, such

as SO, in order to allow for governance under the RRCEA, or otherwise.

- E. The HSP Regulation makes producers of Hazardous and Special Products (“HSP”) responsible for the products once they reach end of life and are disposed of, sets mandatory requirements for HSP collection systems and gives producers choices with respect to resource recovery services. PCA is registered as a Producer Responsibility Organization (“PRO”) with RPRA and has entered into agreements with several producers with the purpose of carrying out one or more of the responsibilities related to HSP.
- F. The Municipality will provide or arrange for certain services with respect to HSP Materials, which includes collecting, sorting, transporting (hauler), processing and post-collection services as understood in the Agreement. PCA will compensate the Municipality or the Municipality’s service provider for these certain services in order to fulfil their contractual obligations as a PRO, and the requirements of the HSP Regulation.
- G. The Parties wish to make certain amendments to the Agreement for the second time as contemplated in Section 13 of the Agreement, and in accordance with the terms and conditions set out herein as Amending Agreement No. 2.

NOW THEREFORE in consideration of the terms and provisions set out in this Amending Agreement No. 2, the sufficiency of which is acknowledged, the Parties agree as follows:

- 1. The above recitals are true.
- 2. Except for the Title, Recitals and the specific sections replaced by this Amending Agreement No. 2, the following defined terms in Column A shall be replaced by the terms in Column B due to the reason described in Column C, in the Agreement:

A: Previous Term(s)	B: New Term(s)	C: Purpose of the New Term(s)
“Product Care Association”	“Product Care Association of Canada”	The current legal name of PCA.
“Municipal Hazardous or Special Waste” or “MHSW”	“Hazardous and Special Products” or “HSP”	To be consistent with the term used to identify all the materials able to be processed under the HSP Regulation.
“ISP Materials”	“HSP Materials”	To be consistent with the new terminology in the HSP Regulation.
“ISP Program” or “ISP”	“HSP Program”	To be consistent with new terminology in HSP Regulation.
“ISP Services”	“HSP Services”	To be consistent with new terminology in HSP Regulation.
“Waste Diversion Ontario” or “WDO”	“Resource Productivity and Recovery Authority” or “RPRA”	The current regulatory authority overseeing waste diversion in Ontario.

- 3. Section 1.0 of the Agreement providing the Definitions and Interpretation for the Agreement is deleted in its entirety and replaced with Section 1.0 provided as Appendix 1

to this Amending Agreement No. 2.

4. Section 2.0 of the Agreement specifying the HSP Services contracted for under the Agreement is deleted in its entirety and replaced with Section 2.0 provided as Appendix 2 to this Amending Agreement No. 2.
5. Subsection 3.4 of the Agreement specifying that the Municipality will not charge residential Generators for the collection of HSP Materials is deleted in its entirety and replaced with the following:

3.4 The Municipality will not charge Generators at its Depots or Events that it is authorized to receive HSP Materials from.
6. Section 4.0 of the Agreement specifying the Term and initiation of the Lab Pack Audit Methodology Review is deleted in its entirety and replaced with Section 4.0 provided as Appendix 3 to this Amending Agreement No. 2.
7. Section 5.0 of the Agreement with respect to Title and Compliance with Laws is deleted in its entirety and replaced with Section 5.0 provided as Appendix 4 to this Amending Agreement No. 2.
8. Section 10.0 of the Agreement with respect to Notices is deleted in its entirety and replaced with Section 10.0 provided as Appendix 5 to this Amending Agreement No. 2.
9. A new Section 29.0 is added to the Agreement with respect to Promotion as follows:

29.0 Promotion

- 29.1 PCA shall not, except with the prior written consent of the Municipality, or as required to provide any services to the Municipality as outlined under the Agreement, release information relating to this Agreement or make use of its association with the Municipality or use the Municipality's name, including the use of the Municipality's logo or other identifiable insignia, for advertising, promotional, or technical purposes or otherwise give it publicity in any manner.
10. Schedule "A" of Agreement is deleted in its entirety and replaced with Schedule "A" provided as Appendix 6 to this Amending Agreement No. 2.
 11. Schedule "B" of Agreement is deleted in its entirety and replaced with Schedule "B" provided as Appendix 7 to this Amending Agreement No. 2
 12. Schedule "C" of Agreement is deleted in its entirety and replaced with Schedule "C" provided as Appendix 8 to this Amending Agreement No. 2.
 13. Schedule "D" of Agreement is deleted in its entirety and replaced with Schedule "D"

provided as Appendix 9 to this Amending Agreement No. 2

14. Schedule "E" of Agreement is deleted in its entirety and replaced with Schedule "E" provided as Appendix 10 to this Amending Agreement No. 2.
15. All capitalized terms which are used in this Amending Agreement No. 2, if not otherwise defined here, shall have the defined meaning set out in the Agreement.
16. Except as set out in this Amending Agreement No. 2, all other terms and conditions of the original Agreement remain in force and are unchanged, and unmodified.
17. The Municipality acknowledges that some Ontario municipalities have participated in the drafting of a template version of this Amending Agreement No. 2. The Municipality acknowledges and agrees that the participation of these municipalities in drafting the template Amending Agreement No. 2 does not constitute these municipalities' endorsement or verification of the (i) Amending Agreement No. 2, (ii) Agreement, (iii) PCA, or (iv) services provided by PCA under the Agreement, and that the Municipality cannot rely on these other municipalities' involvement when entering into the Amending Agreement No. 2 or the Agreement. The Municipality acknowledges having reviewed this Amending Agreement No. 2 and having been made aware of its right to obtain independent legal advice and has either obtained said legal advice or has chosen not to obtain legal advice and enter into this Amending Agreement No. 2 willingly and of its own accord.
18. Regardless of the date on which the parties execute this Amending Agreement No. 2, upon this Amending Agreement No. 2 having been fully executed by PCA and the Municipality, PCA shall, retroactive to October 1, 2021, make the payments that PCA is required to make to the Municipality under the Agreement, as modified by this Amending Agreement No. 2.

REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW.

19. This Amending Agreement No. 2 may be executed in any number of counterparts, each of which is deemed to be an original and all of which taken together constitute one agreement. Delivery of an executed counterpart of this Amending Agreement No. 2 electronically in legible form is equally effective as delivery of a manually executed counterpart of this Amending Agreement No. 2. The form of execution may be subject to the Municipality's temporary document execution process, in place during COVID-19 restrictions. Should this Amending Agreement No. 2 be executed during such restrictions, the Parties agree that execution can be effected through the use of the Municipality's 'Temporary Electronic Approval Template', provided that such a template exists.

IN WITNESS WHEREOF the duly authorized signing officers of the Parties have executed this Amending Agreement No. 2 effective as of the date first written above.

**THE CORPORATION OF THE CITY OF
TEMISKAMING SHORES**

Per: _____

Name:

Title:

Date: December ____, 2021

I/We have authority to bind the Corporation.

PRODUCT CARE ASSOCIATION OF CANADA

Per: _____

Name: Mark Kurschner

Title: President

Date:

I/We have authority to bind the Corporation.

Appendix 1

1.0 Definitions and Interpretation

- 1.1. Terms beginning with capital letters and used herein without definition shall have the meanings given to them in either the *Waste Diversion Act, 2002*, SO 2002, c 6 (Ontario), the *Municipal Act, 2001*, SO 2001 c 25 (Ontario), the *Waste Diversion Transition Act, 2016*, SO 2016, c 12 (Ontario), or the *Resource Recovery and Circular Economy Act, 2016*, SO 2016, c 12, Sched. 1 (Ontario) as the case may be unless otherwise specified.
- 1.2. In this Agreement:
- (a) **“Agreement”** means this Agreement and includes all schedules, appendices, and amendments thereto;
 - (b) **“Business Day”** means Monday through Friday, excluding statutory holidays and any other day that the Government of Ontario or, if the Municipality is an upper-tier or single-tier municipality, that the Municipality has elected to be closed for business. The Parties acknowledge that the Municipality may operate Collection Services at its Depots outside of a “Business Day” and that this definition of “Business Day” is not intended to constrain the operating hours of the Municipality’s Depots;
 - (c) **“Claims Submission”** means submission to PCA of data required to validate claim for payment;
 - (d) **“Collection Services”** means all the activities agreed upon under this Agreement, including those conducted at Events and Depots operated by or on behalf of the Municipality, for the purpose of receiving, classifying, packing, storing and transferring HSP Materials onto transportation vehicles, including the manifesting of the HSP Materials prior to transportation away from the Event or Depot;
 - (e) **“Collection Site(s)”** means the HSP Depot(s) named under Schedule “B”;
 - (f) **“Commingled Materials”** means the HSP Materials listed in Schedule E that can be and are safely packed together for transportation as per the Packing Standards;
 - (g) **“Current Price”** means the price for Post Collection Services for Commingled Materials in effect as of October 1, 2021 and, for subsequent years commencing from and after January 1, 2023, the price for Post Collection Services for Commingled Materials in effect as of January 1 of the applicable year, subject to an annual increase for each of those subsequent years by a percentage amount equal

to the percentage change in the Statistics Canada Consumer Price Index (All Items, Not Seasonally Adjusted) which occurred during the previous twelve (12) month period in the province of Ontario;

- (h) **“Depot”** means a collection and transfer facility/location operated by or on behalf of the Municipality for receiving HSP Materials from Generators that the Municipality is authorized to receive HSP Materials from, and transferring same to transporters for processing or recycling;
- (i) **“Diversion Report”** means invoices, HSP Materials tonnage reports, or other such documents as may reasonably be required by PCA from time to time for the validation of Claims Submissions;
- (j) **“Effective Date”**
 - i. means June 30, 2015 for the ISP;
 - ii. means April 1, 2016 for Amendment No. 1 to the ISP to add services for pesticides, solvents and fertilizers; and
 - iii. means October 1, 2021 for the HSP Program where PCA is now a PRO for certain producers pursuant to the HSP Regulation;
- (k) **“End Processor”** means a Service Provider that processes collected HSP Materials;
- (l) **“Event”** means a one-day or other collection event, operated by or on behalf of the Municipality to collect, pack, transport, weigh, and process HSP Materials from Generators that the Municipality is authorized to receive HSP from;
- (m) **“FOB”** means free on board;
- (n) **“Generator”** means the final user who generates waste which will be reused, recycled or disposed;
- (o) **“Industry Stewardship Plan” or “ISP”** means the now discontinued PCA Paints and Coatings waste diversion program dated May 23, 2014 as it applied to Phase 1 materials approved by Waste Diversion Ontario on December 10, 2014 which commenced on the Effective Date, pursuant to section 34 of the *Waste Diversion Act, 2002* (Ontario), including any amendments thereto and replacements thereof, and terminated or will terminate on the 30th of September 2021;
- (p) **“HSP”** has the same definition as “hazardous and special product” or “HSP” under the HSP Regulation;

- (q) **“HSP Materials”** means the HSPs designated by the Parties in Schedule “C”, for the purposes of this Agreement;
- (r) **“HSP Program”** means the PCA waste diversion program with the Effective Date of October 1, 2021 as it applies to HSP Materials;
- (s) **“HSP Regulation”** means Ontario Regulation 449/21 (Hazardous and Special Products) under the *Resource Recovery and Circular Economy Act, 2016*, as amended;
- (t) **“HSP Services”** means the Collection Services and/or Post-Collection Services provided by the Service Provider for the HSP Materials;
- (u) **“Lab Pack Audit”** means a lab pack study conducted by a third party, with optional observation by no more than two representatives of the Member Associations at their discretion, that follows a methodology designed by the Parties with input from Member Associations to achieve a high level of statistical confidence, the results of which, after providing an opportunity for representatives of the Member Associations to review them in confidence, are used to determine the proportionate share of each Commingled Material to be paid by PCA as set out in this Agreement;
- (v) **“Manifesting”** means those activities associated with preparing a manifest for Post-Collection Services in accordance with Ontario Regulation 347: General – Waste Management, made under the *Environmental Protection Act* (Ontario);
- (w) **“Member Associations”** has the meaning set out in Section 4.3;
- (x) **“Minister”** means the Minister of the Environment Conservation and Parks for the Province of Ontario;
- (y) **“Non-Commingled Materials”** means the materials listed in Schedule E that must be and are packed separately for transportation as per the Packing Standards;
- (z) **“Non-Designated HSP”** means products that are hazardous or special that are not designated as an HSP under the HSP Regulation;
- (aa) **“Packing Standards”** means the Waste Packing Protocols listed in Schedule “E”, as amended by PCA from time to time;
- (bb) **“PCA Portal”** means PCA’s online system for uploading Claims Submissions;

- (cc) **“Producer Responsibility Organization” or “PRO”** includes PCA where PCA has registered as a PRO with RPRA and entered into an agreement with a producer(s) for the purposes of carrying out one or more of the producer responsibilities as prescribed by the HSP Regulation, but does not include a processor retained solely for the purposes of processing HSP;
- (dd) **“Post-Collection Services”** means the management of HSP Materials after delivery of such HSP Materials to a transportation Service Provider FOB the Event or Depot location, including but not limited to transportation of HSP Materials from Events and Depots, consolidation, sorting, weighing, processing, recycling, and safe disposal of residual waste and other post-collection waste management activities; and
- (ee) **“Service Provider”** means the Municipality and/or a commercial party that provides HSP Services to PCA or, in the case of the Municipality receiving HSP Services, means the commercial party providing HSP Services to the Municipality.

Appendix 2

2.0 HSP Services

2.1. Schedule "A" to this Agreement sets out schematically three (3) different service location types for the provision of HSP Services by the Municipality to PCA. These are as follows:

- (a) Depot
- (b) Event
- (c) Event (and transportation to Depot)

For the purpose of this Agreement, PCA and the Municipality have agreed that the service location types marked with an "X" below will be the ones under which the Municipality will provide HSP Services to PCA.

- Depot
- Event
- Event (and transportation to Depot)

2.2. PCA and the Municipality may agree in writing at any time to change the service location type under which the Municipality is providing HSP Services to PCA herein to the other service location type listed above and described in Schedule "A" hereto or to add another service location type, and this Agreement shall be deemed to have been amended accordingly.

2.3. The Parties recognize that there may be changes to this Agreement which may include the addition or removal of HSP Materials covered in the HSP Program. In the event of such changes, either Party may request appropriate amendments to this Agreement to reflect those changes, and the Parties will negotiate same in good faith, failing which, the matter will be resolved by arbitration in accordance with the provisions hereof. Notwithstanding, either Party may give written notice within a reasonable time to the other Party to remove any of the HSP materials from the Municipality's list of HSP Materials included in Schedule "C" of the Agreement ("Notice of Removal"), and such change shall take effect not sooner than ninety (90) days from which the Notice of Removal was given. Neither the Notice of Removal nor the removal of an HSP from the Municipality's list of HSP Materials shall affect the validity, legality, or enforceability of any other provision of this Agreement. For greater clarity, where an HSP is removed from the Municipality's list

of HSP Material(s) under Schedule "C" pursuant to the Notice of Removal then PCA shall have no further right or claim whatsoever to the removed HSP Material(s) from the date on which the removal takes effect.

- 2.4. In the event that PCA registers with the RPRA for other HSPs, then PCA shall provide to the Municipality, at least ninety (90) days before the effective date of the new registration, a proposal for an amendment to this Agreement. The Municipality may, in its sole and absolute discretion, choose whether or not to contract with PCA for the provision of additional HSP Services with respect to the other HSPs for which PCA has newly registered. This discretionary authority applies to any and all HSPs for which PCA has registered even if before the effective date of this Agreement.
- 2.5. The Depot locations for which the Municipality will collect HSP Materials from its residents are provided in Schedule "B". These are the locations for which HSP Services will be provided by the Municipality to PCA, in accordance with Section 5, for the service location types identified above, as applicable, and PCA agrees to accept HSP Services for all locations identified in Schedule "B".

Appendix 3

4.0 Term and Lab Pack Audit Methodology Review

- 4.1. The term of the Agreement commenced or will commence on the Effective Date and, unless otherwise extended or terminated earlier in accordance with the provisions of this Agreement, shall end on December 31, 2022 (the “Term”).
- 4.2. At the expiry of the Term, this Agreement will automatically renew for successive renewal term (a “Renewal Term”) of twelve (12) months unless written notice of termination is provided by either Party to the other Party at least ninety (90) days prior to the expiry of the Initial Term or the then current Renewal Term, as applicable. The Initial Term and if applicable, any Renewal Terms, are referred to as the “Term” of this Agreement.
- 4.3. At least one hundred and fifty (150) days prior to the expiration of the then current Renewal Term (as applicable) PCA or the Municipality will invite representatives from the Regional Public Works Commissioners of Ontario, the Association of Municipalities of Ontario, and the Municipal Waste Association (the “Member Associations”) to meeting(s) hosted by PCA with the purpose of sharing any changes to the Lab Pack Audit methodology and results, and to discuss possible changes to the Collection Accessibility Schedules and Payment for Collection Services as set out in Schedule “B” and Schedule “C” respectively. PCA’s position on changes to Schedule “B” and Schedule “C” following the foregoing meeting(s) will be communicated to the Municipality within one hundred and twenty (120) days of the expiration of the Initial Term or the then current Renewal Term (as applicable). The Parties shall each have access to the data used to design the Lab Pack Audit methodology and the data supplied to any third party to conduct the Lab Pack Audit and the Parties acknowledge that other municipalities participating in the Lab Pack Audit will also have access to the same data.

Appendix 4

5.0 Title and Compliance with Laws

5.1 To the extent permitted by applicable laws, the Party or Service Provider with physical possession of the HSP Materials shall have and retain title to the HSP Materials for the duration for which they are in the physical possession of the HSP Materials until such time as they are transferred to the physical possession of another Party or Service Provider, including the End Processor, in accordance with the Processor Standards outlined in Schedule "E", as amended. Any contract the Parties may enter into with any Service Provider or End Processor shall provide the same. Notwithstanding who has the title of the HSP Materials and to the extent it is within the reasonable control of the Municipality, the Municipality transfers the exclusive right to PCA to claim the Collection Site(s) or Events and/or the weight of recovered resources for the HSP listed in the Municipality's list of HSP Materials, insofar as the right to claim the Collection Site(s) or Events and/or the weight of recovered resources are required to fulfill PCA's PRO responsibilities under the HSP Regulation for the HSP Materials.

5.2 In performing the HSP Services hereunder, the Parties represent and warrant that they will at all times, and will require their Service Providers to, have all Certificates of Approval/Environmental Compliance Approval and any other approvals required and that they will otherwise comply at all times and require their Service Providers to comply, with all applicable laws, regulations and requirements of any governmental authority having jurisdiction, including without limitation the Ontario Ministry of the Environment, Conservation and Parks, the Ontario Ministry of Labour, sections 22 and 23 of the HSP Regulation regarding the requirements for HSP Collection Site(s) or HSP Collection Event(s) to qualify under the HSP Regulation, and section 30 of the HSP Regulation regarding the processing and disposal of the collected HSP Materials, and Ontario's *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act, 2004*, and Canada's *Personal Information Protection and Electronic Documents Act*, as amended and as applicable.

Appendix 5

10.0 Notices

Any notice, request, demand or other instrument or communication herein provide, permitted or required to be given by either PCA or the Municipality, will be in writing and sufficiently given if delivered personally, by e-mail, or other electronic means of written communication tested and agreed upon prior to transmission to the extent such testing is available (unless otherwise expressly provided herein) or if sent by registered mail to the following respective address hereinafter set out, namely:

Notices to PCA will be delivered to:

President
Product Care Association of Canada
420-2238 Yukon Street,
Vancouver, BC, V5Y 3P2
Facsimile: 604-592-2982
Email: contact@productcare.org

Notices to the Municipality will be delivered to:

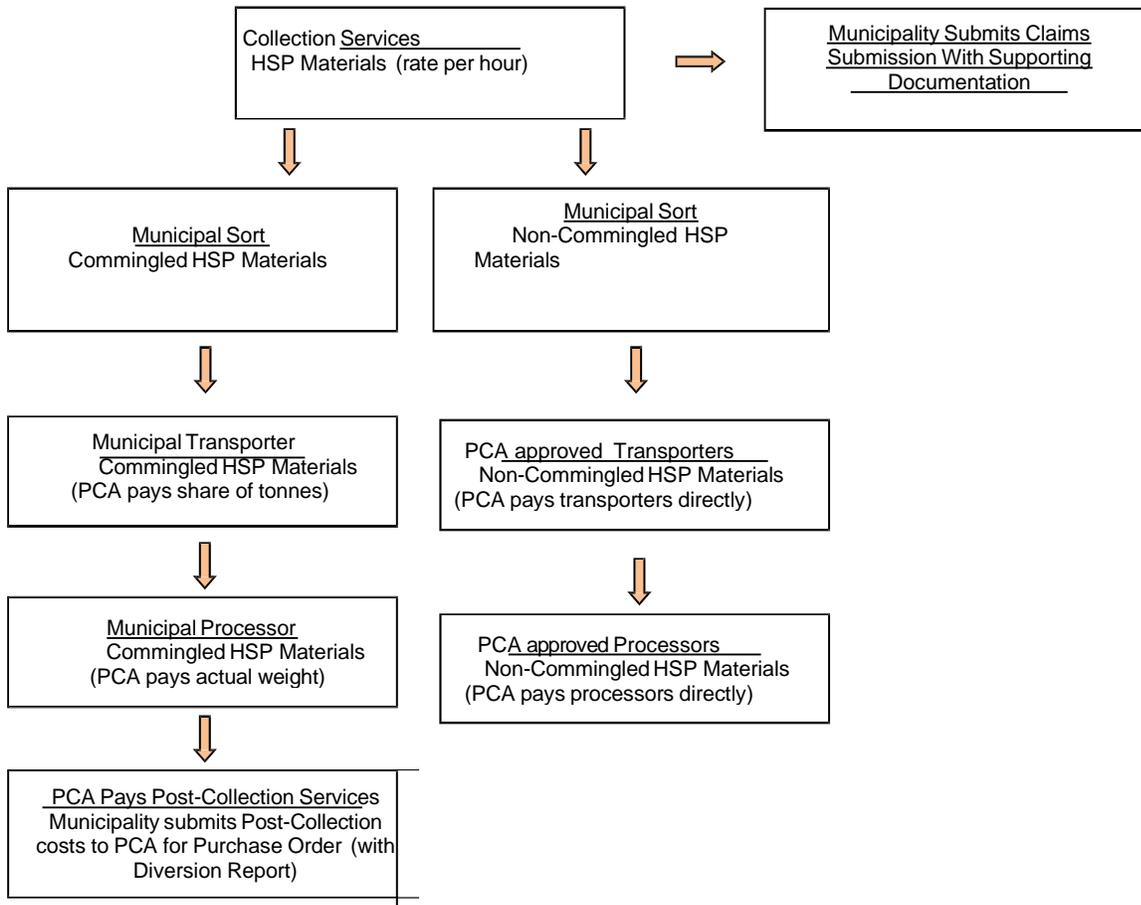
Technical and Environmental Compliance Coordinator
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
325 Farr Drive, Haileybury, ON, Canada, P0J 1K0
Email: sburnett@temiskamingshores.ca

Any such notice if delivered personally, by e-mail or by other electronic means will be conclusively deemed to have been given on the day of personal delivery or the transmission of e-mail or other tested and agreed upon electronic communication (and if after 5 p.m. E.T. the next following Business Day), or if mailed as aforesaid, will be conclusively deemed to have been received on the fifth (5th) business day following the day on which such notice is mailed as aforesaid (except during a postal strike in which case such notice shall be delivered via courier). Either Party may, at any time, give written notice to the other of any change of address (postal and/or email) of the Party giving such notice and from and after the giving of such notice the address therein specified shall (in the absence of knowledge to the contrary) be deemed to be the address of such Party for the giving of notices thereafter.

Appendix 6

SCHEDULE "A" – HSP SERVICES

DEPOT

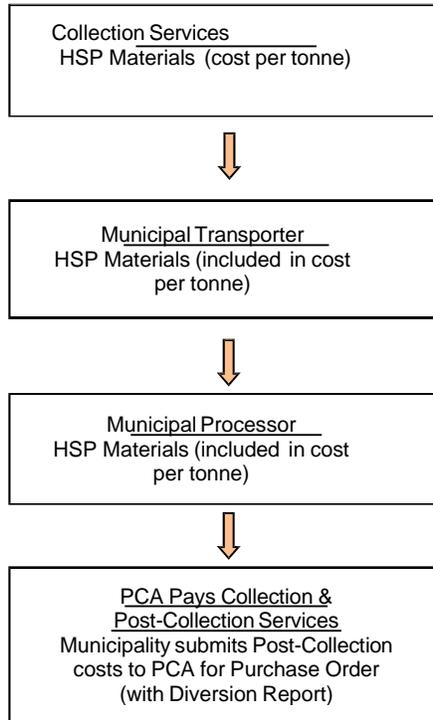


The Municipality or the Municipality's Service Provider provides Depot Collection Services to PCA for HSP Materials. PCA pays the Municipality an hourly rate for the Collection Services.

Commingled HSP Materials may be packed in transportation containers with other Non-Designated HSP at municipal Depots as per Packing Standards. For Commingled HSP Materials, the Municipality is to contract for transportation and processing of such Commingled HSP Materials and PCA will pay its proportionate share of the transportation (by weight as determined by Lab Pack Audit) and processing (by actual weight) costs for the HSP Materials.

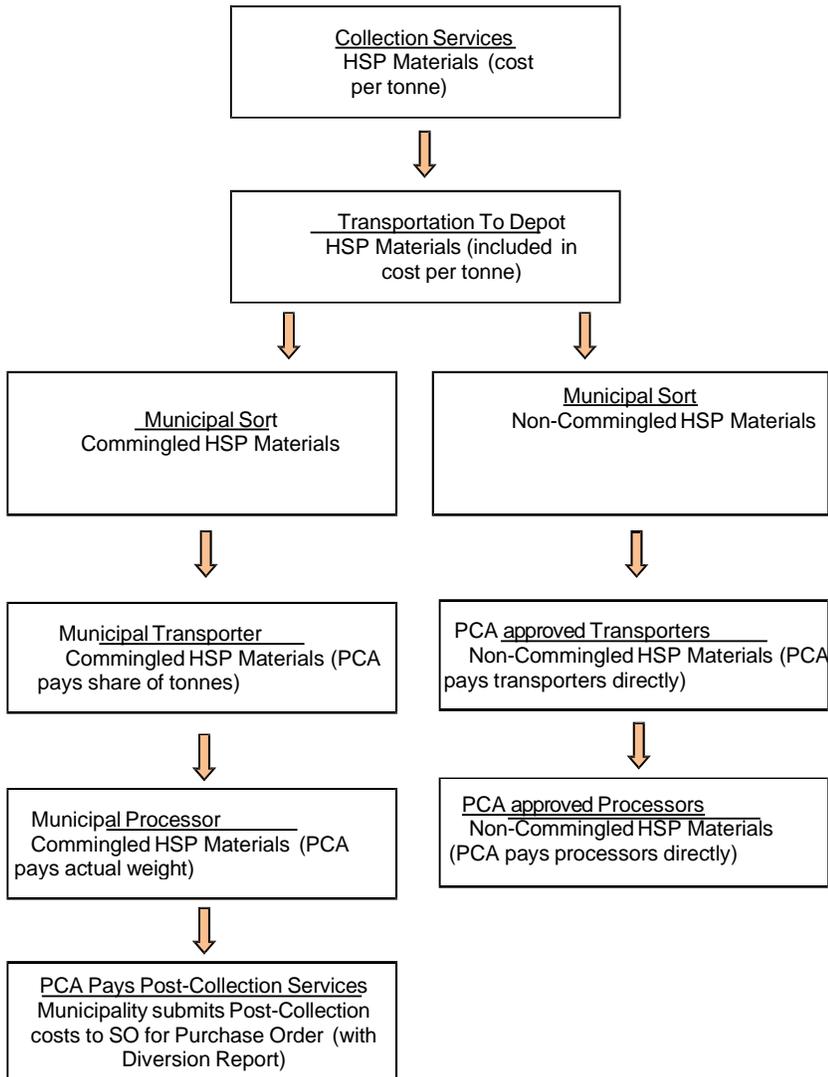
Non-Commingled HSP Materials are to be separately sorted by material as per Packing Standards by the Municipality at its Depots and made ready for pick-up by approved PCA transporters.

EVENT



The Municipality or the Municipality's Service Provider provides Event Collection Services for HSP Materials. The Municipality may combine Events with other activities, including collection of other HSP and Non-Designated HSP. PCA pays the Municipality a cost per tonne of HSP Materials as per Schedule "C" for the Collection and Post-Collection Services.

EVENT (and transportation to Depot)



The Municipality or the Municipality’s Service Provider provides Event Collection Services for HSP Materials and transports the collected HSP Materials to a Depot. PCA pays the Municipality a cost per tonne.

Commingled HSP Materials may be commingled with other HSP or Non-Designated HSP at municipal Depots as per Packing Standards. For Commingled HSP, the Municipality is to contract for transportation and processing of such Commingled HSP and PCA will pay its proportionate share of the transportation (by weight as determined by Lab Pack Audit) and processing (by actual weight) costs for the Commingled HSP Materials.

Non-Commingled HSP Materials are to be separately sorted by material as per Packing Standards by the Municipality at its Depots and made ready for pick-up by an approved PCA transporter.



Appendix 7

SCHEDULE "B" – COLLECTION SERVICES

Municipality will collect HSP Materials from its residents according to the following Collection Services.

Depots

HSP Depot Name	Address	Days & Hours of Operation	Total Reimbursable hours
			-

Events:

Municipality will use commercially reasonable efforts to submit Event Schedules to PCA for approval by March 31st of the calendar year in which the Events will be held, and in all cases will submit Event Schedules not less than sixty days prior to the next planned Event. Once approved by PCA, the updated information on Event Schedules will be deemed to be incorporated into this Agreement.

INITIALLED BY MUNICIPALITY: _____



Appendix 8

SCHEDULE “C” – HSP MATERIALS INCLUDED AND PAYMENT FOR COLLECTION SERVICES

The HSP Materials which are the subject of this Agreement are those which are selected in the table below:

HSP Materials Selection and Rates:

	HSP Materials included in this Agreement are marked with an “X”	HSP Regulation Category	Hourly rate	\$/tonne rate
Paint and Coatings	X	B	N/A	\$2,400
Pesticides	X	B	N/A	\$2,400
Solvent	X	B	N/A	\$2,400
Pressurized containers – non-refillable	X	A	N/A	\$2,400
Pressurized containers refillable – non-propane	X	B	N/A	N/A
Pressurized containers - refillable propane	X	E	N/A	\$65

PCA will pay the Municipality for HSP Materials Collection Services as follows:

For HSP Services – Depot, PCA will pay the Municipality the Hourly Rates set out in the HSP Materials Selection and Rates table in this Schedule “C” plus applicable taxes for the Total Reimbursable Hours set out in Schedule “B”, to be paid in twelve (12) equal monthly instalments. For greater clarity, the monthly instalment will be calculated as Total Reimbursable Hours divided by twelve (12) and multiplied by the Hourly Rate.

For HSP Services – Event, PCA will pay the Municipality the “\$/tonne rate” set out in the HSP Materials Selection and Rates table in this Schedule “C” per tonne of HSP Materials plus applicable taxes.

For HSP Services – Event (and transportation to Depot), PCA will pay the Municipality the “\$/tonne rate” set out in the HSP Materials Selection and Rates table in this Schedule “C” per tonne of HSP Materials plus applicable taxes.

For Commingled HSP Materials, PCA will pay its proportionate share of the transportation (by weight as determined by Lab Pack Audit) and processing (by actual weight) costs for the HSP Materials.



Appendix 9

SCHEDULE "D" – PROMOTION & EDUCATION

The Municipality will actively promote the collection of HSP Materials and the Product Care Recycling brand through municipal publications, events and activities that support the Municipality's waste management strategy. The Municipality will not charge PCA for any promotion or education activities unless PCA has agreed to such charges in advance in writing. PCA's decision not to pay for specific promotion and education activities does not discharge the Municipality from its obligation to inform the Municipality's residents of its Collection Accessibility Schedules (see Schedule "B").

If the Municipality has a waste management webpage then the Municipality may post the Collection Accessibility Schedules, the Product Care Recycling logo and a link to <http://www.productcare.org/> on the aforementioned webpage at no cost to PCA.

The Municipality must submit to PCA draft copies of all publications using PCA trademarks and logos for approval, which PCA may withhold for any reason.

The Municipality, its employees and Service Providers will not engage in any activity that may cause or perceive to cause harm to Product Care Association or any brand owned by PCA, such as Product Care Recycling.

The Municipality will periodically educate its residents about the BUDS message:

- Buy only what you need
- Use it all up
- Divert
- Safely dispose of the rest



Appendix 10

SCHEDULE "E" – PCA STANDARDS

Ontario Hazardous and Special Products (HSP)

Collection Site Standards

Effective: October 1, 2021

To the extent that there is any conflict between these Product Care Association (PCA) HSP Material Collection Site Standards and the requirements of applicable laws and regulations, the requirements of applicable laws and regulations apply. The collection site operator is required to comply with the requirements of the applicable laws and regulations. For greater certainty, in the event that the PCA standards impose requirements that are more stringent or additional to the requirements of applicable laws and regulations but do not conflict with such laws and regulations, the collection site operator is required to comply with the PCA standards as well as with applicable laws and regulations

Background

The HSP Regulation came into effect October 1, 2021. The HSP Regulation and product definitions can be viewed at this website [O. Reg. 449/21: HAZARDOUS AND SPECIAL PRODUCTS \(ontario.ca\) https://www.ontario.ca/laws/regulation/r21449](https://www.ontario.ca/laws/regulation/r21449)

PCA is registered with the Resource Productivity and Recovery Authority (RPRA) as a Producer Responsibility Organization (PRO) under the HSP Regulation.

PCA operates as a Producer Responsibility Organization for certain HSP Materials to ensure they are collected and recycled or otherwise safely disposed of in an environmentally appropriate way.

Purpose

The HSP Collection Site Standards define the minimum operating requirements to qualify as a PCA collection site for HSP Materials. All locations wishing to act as a collection site on behalf of PCA must be approved by PCA.

PCA reserves the right to review and revise these standards on an ongoing basis. PCA shall provide notification of revisions to these standards to active collection sites. . This notice shall be provided as soon as practicable, and the active collection site shall not be responsible for complying with the revised standards until such time as reasonable notification has been



provided and the active collection site has been given reasonable time to comply. PCA acknowledges that the reasonable time frame to comply may vary depending on the actual change being implemented and, in any event, will be no less than thirty (30) days after notification has been made.

Who These Standards Apply to:

For the purposes of these standards, a *Collection Site Operator* means the operator of a PCA approved collection site from which a transporter will pick up HSP Materials and transport them to an approved PCA HSP Materials processor. These standards apply to the following two types of collection sites:

1. **Type 1 sites:** Sites that receive HSP Paints and Coatings and other HSP Materials, and
2. **Type 2 sites:** Sites that collect only: HSP Paints and coatings

Enforcement of these Standards

Collection site operators shall:

- Provide PCA with all reasonable information relating to these standards or any matter that relates to HSP Regulation or procedures of PCA;
- Acknowledge that PCA has a right of access to any and all such information during normal business hours and on 24 hours' notice.

Moreover, PCA may verify compliance information provided by collection site operators, either directly or through a third party acting on its behalf. Please note that all parties retained by PCA to verify compliance are acting on behalf of PCA and shall be bound by strict confidentiality agreements.

1. General Requirements

All HSP Materials collection site operators shall:

- 1.1 Possess a valid business licence if they are a commercial operation.
- 1.2 Either self-insure, or possess comprehensive or commercial general liability insurance, including coverage for bodily injury, property damage, complete operations and contractual liability.
- 1.3 Identify and comply with all applicable legislation and approvals, including but not limited to:

Type 1 collection sites shall be:

- In possession of and in compliance with all terms in their Ministry of



Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA) or Certificate of Approval, as the case may be;

- In compliance with O. Reg.449/21: Hazardous and Special Products;
- Registered with the MECP's Hazardous Waste Information Network (HWIN);
- In compliance with the Ontario *Environmental Protection Act, 1990* (including R.R.O. 1990, O. Reg. 347, General – Waste Management);
- In compliance with the federal *Transportation of Dangerous Goods Act* (TDGA);
- In compliance with applicable municipal zoning bylaws or other bylaws, such as fire codes, parking and hours of operation.

Type 2 collection sites shall be:

- In compliance with the Ontario *Environmental Protection Act, 1990* (including R.R.O. 1990, O. Reg. 347, General – Waste Management);
- In compliance with O. Reg.449/21: Hazardous and Special Products;
- In compliance with the federal *Transportation of Dangerous Goods Act* ;
- In compliance with applicable municipal zoning bylaws or other bylaws, such as fire codes, parking and hours of operation.

- 1.4 Meet the HSP Regulation requirements for Collection Site or Collection Event including those set out in s. 22 and s. 23 of the HSP Regulation.
- 1.5 Maintain a documented process to identify, assess and ensure compliance with this standard and all applicable legislative and regulatory requirements, including but not limited to:
 - Environmental regulations, including permits or certifications for operating, air emissions, or other discharges;
 - Occupational health and safety regulations;
 - Hazardous waste management regulations (storage, handling).
- 1.6 Implement and maintain an emergency response plan to prepare for and respond to emergency situations including fires, spills and medical events.
- 1.7 Maintain all records for a minimum of two (2) years or longer as required by law, including manifests, bills of lading and waste records.
- 1.8 Provide notice to PCA of any fines or regulatory orders in the previous five (5) years that relate to HSP Materials collected under agreement with PCA and, going forward, within sixty (60) days of any new fine or regulatory order as it relates to HSP Materials collected under agreement with PCA.

2. Occupational Health and Safety

All collection site operators shall:

- 2.1 Identify and comply with all applicable Ontario health and safety legislation, including but not limited to:
 - *Employment Standards Act, 2000*;
 - *Occupational Health and Safety Act, 1990*; and
 - *Workplace Safety and Insurance Act, 1997*.
- 2.2 Possess workers' compensation coverage through either a provincial (e.g., WSIB) program or a private insurance policy.
- 2.3 Be compliant with the Workplace Hazardous Materials Information System (WHMIS), including training requirements.
- 2.4 Maintain an occupational health program that includes processes to safeguard the health and safety of employees by:
 - Providing regular documented health and safety training;
 - Providing and enforcing the correct use of personal protection equipment; and
 - Safeguarding hazardous mechanical processes.

3. Staff Training

All collection site operators shall:

- 3.1 Train staff on their emergency response plan.
- 3.2 Train staff to identify and pack HSP Materials in its appropriate waste class according to Waste Packing Protocols (refer to Appendix A below).
- 3.3 Train staff to differentiate between HSP Materials that are eligible for collection services under the HSP Regulation and those that are not (refer to Appendix A below).
- 3.4 Update staff training based on any changes made to the Collection Site Standards.
- 3.5 Document and maintain records of staff training.

4. Waste Packing Protocols

All collection site operators shall:

- 4.1 Pack waste according to the MECP's waste classes and PCA Waste Packing Standards as outlined in Appendix A below.
- 4.2 Ensure that HSP Materials are handled and stored as follows:

For Type 1 collection sites:

In accordance with the conditions laid out in their respective Environmental Compliance Approval (ECA) or Certificate of Compliance, as the case may be, and all applicable laws and regulations.

For Type 2 collection sites:

- Have the ability to receive waste paint from the public in a controlled manner (direct supervision or monitored) in a customer drop-off area;
- Have reasonable infrastructure to shelter material from inclement weather in a consolidation storage area;
- Have sufficient space to receive, sort, store and prepare transportation containers for shipment:
 - Paints and coatings: minimum of one 205 L drum or one PCA tubskid, one standard UN gaylord boxes or one metal paint collection bin at each collection site;
- As applicable, have material-handling equipment with the ability to move containers onto transport vehicles;
- Be accessible to transport vehicles for pick-up of HSP Materials ; and
- Have reasonable security measures in place to prevent HSP Materials from being tampered with by anyone at the site or using the collection facility at unauthorized times.

- 4.3 All waste must be packed in an approved UN container¹, a Transport Canada Equivalency Certificate or PCA approved containers and all materials transported must be contained in accordance with *Transportation of Dangerous Goods Act (TDGA)* requirements.
- 4.4 Transportation containers must be filled to capacity, except if this practice contravenes either a ministry order or the Collection Site Operator's Environmental Compliance Approval or Certificate of Compliance Storage Requirements. Transportation containers used at event days should be filled to capacity and it is understood the last container filled of the day may not be filled to capacity and it may be partially filled.
- 4.5 If applicable, make use of vermiculite in sufficient quantity to cover and protect the waste material from breakage when there is a potential for spillage or breakage of containers in a lab pack during transport.



- 4.6 Place large pails (18 to 30 litres) on skids and shrink wrap to prevent shifting of waste during transport. Alternatively, gaylord boxes may be used placing large pails on the bottom layer.
- 4.7 Contamination allowances
- The maximum contamination allowance is 5%. This is a weight-based allowance assessed on individual drums for a given waste class.
 - Contamination levels in transport containers (mis-packed HSP Materials, non-program wastes as identified in Appendix A below) will be monitored by PCA or by its authorized agent through random sampling. HSP Materials collection site operators will be required to take corrective action if contamination allowances are exceeded. PCA reserves the right to revoke the collection site's approval status if corrective action is not taken as reasonably requested by PCA.

¹ Refers to containers that meet the requirements established by the United Nations Committee of Experts on the Transportation of Dangerous Goods; these requirements provide a uniform international system for identifying and packaging Class 3, 4, 5, 6.1, 8 and 9 dangerous goods for transport.

Appendix A –HSP Materials Packing Standards

Please note: This table references all HSP Materials as listed in the HSP Regulation. PCA requires that waste materials in each individual row (as numbered in the first column on the left) be packed separately (even though they may be packed under the same waste class)

#	Waste Class / UN#	Sorting Requirement	Examples of Inclusions	Examples of Exclusions	Instructions
1	Aerosols - 331 UN 1950	Commingled¹	<ul style="list-style-type: none"> Includes paints and coatings, pesticides and solvents managed through PCA's HSP program and waste not managed through PCA's HSP program that are packaged under pressure in a non-refillable self-closing container that contains a propellant in gaseous form. 	<ul style="list-style-type: none"> Pressurized containers (refillable or non-refillable) Fire extinguishers (including in aerosol format) Inhalers Hair Spray Insect Repellent 	
2	Miscellaneous Waste Organic Chemicals - 263 (for pails: 211, 212, 213) UN 1992, 1993	Commingled¹	<ul style="list-style-type: none"> Includes HSP solvents managed through PCA's HSP program and may include other chemical wastes that are not managed through PCA's HSP program. Note: Solvents include such items as turpentine, alcohols (methanol, isopropanol, ethanol), ketones (acetone, methyl ethyl ketone), xylene, toluene, mineral spirits, linseed oil, naphtha, methylene chloride and products marketed as paint thinners, lacquer thinners, automotive body resin solvents, contact cement thinners, paint strippers and degreasers. 	<ul style="list-style-type: none"> Paints and coatings Driveway and roof sealants HSP solvents supplied in a container that is greater than 30 litres or 30 kilograms 	<ul style="list-style-type: none"> Vermiculite must be used in sufficient quantity to cover and protect the waste if there is a potential for breakage (i.e., glass containers) or spillage during transport. Alternatively, and to save on space and vermiculite, glass containers can be placed into secondary containers or pails which can be filled with vermiculite and then placed in drum.

#	Waste Class / UN#	Sorting Requirements	Examples of Inclusions	Examples of Exclusions	Instructions
3	Non-Refillable Pressurized Containers 331 UN 1978	Non-Commingled ²	<ul style="list-style-type: none"> • A pressurized container that is used for the supply of a gas product, including propane, but cannot be refilled 	<ul style="list-style-type: none"> • An aerosol container • A fire extinguisher • A pressurized container that has a capacity greater than 109 litres 	<ul style="list-style-type: none"> • Collection sites must store and ship compressed gases based on content (gas) and not cylinder type

TEMPLE

4	Paints, Stains and Coatings - 145	Non-Commingled 2	<ul style="list-style-type: none"> • Latex, oil or solvent-based architectural coatings and includes paints and stains, whether tinted or untinted, non-pesticide marine paints and aerosol paints for automotive, craft and industrial applications <p>Note: Architectural coatings means paint or coating intended for interior or exterior surfaces of residential, commercial, institutional or industrial structures, including any components of or attachments to those structures, such as driveways, indoor or outdoor furniture, appliances, floors, cabinets and doors</p>	<ul style="list-style-type: none"> • Non-aerosol paints intended for automotive or industrial applications or crafts • Paints or wood preservatives that are registered as a pesticide under the <i>Pest Control Products Act</i> (Canada), • Stuccos and spackling compounds, • Polishes and waxes, • Caulking and sealants, or • Paints and coatings that are supplied in a container that has a capacity greater than 30 litres or 30 kilograms 	<ul style="list-style-type: none"> • Collection/transport containers should be packed with larger paint containers at the bottom, any spaces filled with smaller containers, and smaller paint containers on top. Paint and coating containers must be stacked upright in the collection/transport containers.
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5	Pesticides - 242 UN 2902,2903, 2588.	Commingled:	<ul style="list-style-type: none"> • A pesticide, fungicide, herbicide or insecticide that is registered under the <i>Pest Control Products Act</i> (Canada), that is designated as “DOMESTIC” class under the Pest Control Products Regulations (SOR/2006-124) and is required to bear the signal word “DANGER” or “WARNING” and the signal word “POISON” together with the related precautionary symbols set out in Schedule 3 of that Regulation 	<ul style="list-style-type: none"> • Insect repellents intended for personal use. • Sanitizers, disinfectants and antimicrobial products. • Pool chemicals. • Diatomaceous earth. • Pet products. • Ant traps. • Products regulated under the Food and Drugs Act (Canada). • Insecticidal soaps. • Commercial, agricultural and restricted classifications registered under the Pest Control Products Act (Canada). • Product supplied in a container that has a capacity greater than 30 litres or 30 kilograms 	<ul style="list-style-type: none"> • Vermiculite must be used in sufficient quantity to cover and protect the waste if there is a potential for breakage (i.e., glass containers) or spillage during transport. Alternatively, and to save on space and vermiculite, glass containers can be placed into secondary containers or pails which can be filled with vermiculite and then placed in drum.
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6	Refillable Pressurized Containers (non-Propane) 331 UN 1978	Non-Commingled²	<ul style="list-style-type: none"> • A pressurized container that is used for the supply of a gas product and can be refilled 	<ul style="list-style-type: none"> • A fire extinguisher • An aerosol container • A reservoir tank intended for air compressors • A cylinder that must be punctured for use, such as a small CO2 cylinder • A refillable propane container • A pressurized container that has a water capacity greater than 109 litres 	<ul style="list-style-type: none"> • It is acknowledged that collection sites must store and ship compressed gases based on content (gas) and not cylinder type
---	--	-----------------------------------	--	--	--

7	Refillable Propane Container 331 UN 1978	Non-Commingled²	<ul style="list-style-type: none"> • A pressurized container that can be refilled, has a water capacity of 109 litres or less and is used only for propane 	<ul style="list-style-type: none"> • A refillable non-Propane container 	<ul style="list-style-type: none"> • It is acknowledged that collection sites must store and ship compressed gases based on content (gas) and not cylinder type
---	---	-----------------------------------	---	--	--

1 - Commingled refers to waste managed under Product Care Association's program that are packed with waste that is not managed by Product Care Association because separating them at the collection site is not possible or practical. Product Care Association uses allocation models derived from audits conducted on its behalf to calculate its financial obligations to collectors and its collection performance for reporting purposes.

2 - Non-Commingled refers to the sorting of waste such that only wastes managed under Product Care Association's program are packed in the same shipping container.

INITIALED BY MUNICIPALITY: _____

The Corporation of the City of Temiskaming Shores

By-law No. 2022-018

Being a by-law to enter into an agreement with Neptune Technology Group Canada Co. for the supply and installation of water meters for the Industrial, Commercial, and institutional (ICI) sector including multi-residential establishments containing three (3) or more units in the City of Temiskaming Shores (Phase 2)

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council adopted By-law No. 2021-078 at the May 4, 2021 Regular Council meeting, to enter into an agreement with Neptune Technology Group Canada Co. for the Supply and Installation of water meters for the Industrial, Commercial, and institutional (ICI) sector in the City of Temiskaming Shores (Phase 1); and

Whereas Council considered Administrative Report No. PW-003-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an agreement with Neptune Technology Group for the supply and installation of water meters for the remaining ICI sector, including multi-residential establishments containing three (3) or more units, in the amount of \$479,380.00, plus applicable taxes, for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to execute an agreement with Neptune Technology Group Canada Co. for the supply and installation of water meters for the remaining ICI sector, including multi-residential establishments containing three (3) or more units, in the amount of \$479,380.00, plus applicable taxes, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where

such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law 2022-018

Agreement between

The Corporation of the City of Temiskaming Shores

And

Neptune Technology Group Canada Co.

for the supply and installation of water meters for the ICI sector, including multi-residential establishments containing three (3) or more units

This agreement made this 1st, day of February, 2022.

Between:

The Corporation of the City of Temiskaming Shores
(hereinafter called "the Owner")

and

Neptune Technology Group Canada Co.
(hereinafter called "the Contractor")

Witnesseth:

That the Owner and the Contractor shall undertake and agree as follows:

Article I:

The Contractor will:

- a) Provide all material and perform all work described within this Agreement.
- b) Do and fulfill everything indicated by this Agreement and in the Form of Agreement attached hereto as Appendix 01 and forming part of this agreement.
- c) Complete, as certified by the Manager of Environmental Services, all the work by **October 31, 2022.**
- d) The time limits referred to in this Agreement may be abridged or extended by mutual agreement by both Parties.

Article II:

The Owner will:

- a) Pay the Contractor in lawful money of Canada for services aforesaid, in the amount of Four-Hundred and Seventy-Nine Thousand, Three-Hundred and Eighty Dollars and Zero Cents (\$479,380.00) plus applicable taxes, subject to additions and deductions as provided in the Contract Documents, as authorized by an approved Contract Change Order.
- b) Make payment on account thereof upon delivery and completion of the said work and receipt of invoice, in accordance with the City of Temiskaming Shores Purchasing Policy, and with terms of Net 30 days after receiving such invoice.

Article III:

All communications in writing between the parties shall be deemed to have been received by the addressee if delivered to the individual or to a member of the firm or to an officer of the Owner for whom they are intended or if sent by hand, Canada Post, courier, facsimile or by another electronic communication where, during or after the transmission of the communication, no indication or notice of a failure or suspension of

transmission has been communicated to the sender. For deliveries by courier or by hand, delivery shall be deemed to have been received on the date of delivery; by Canada Post, 5 days after the date on which it was mailed. A communication sent by facsimile or by electronic communication with no indication of failure or suspension of delivery, shall be deemed to have been received at the opening of business on the next day, unless the next day is not a working day for the recipient, in which case it shall be deemed to have been received on the next working day of the recipient at the opening of business.

The Contractor:

Neptune Technology Group Canada Co.
7275 West Credit Avenue
Mississauga, Ontario
L5N 5M9

Attn.: Scott Norris

The Owner:

City of Temiskaming Shores
325 Farr Drive / P.O. Box 2050
Haileybury, Ontario P0J 1K0

Attn.: Steve Burnett, Manager of Environmental Services

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Appendix 01 to
Schedule "A" to

By-law No. 2022-018

Form of Agreement

(The Contractor indicated the proposal was submitted in Confidence, and has been redacted in accordance with Section 10(1) Third Party Information, under the Municipal Freedom of Information and Protection of Privacy Act)

The Corporation of the City of Temiskaming Shores

By-law No. 2022-019

Being a by-law to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to responds to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. PW-004-2022 at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site at a cost of \$51,255.00, plus applicable taxes, for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with EXP Services Inc. for engineering services related to the expansion of the New Liskeard Waste Disposal Site at a cost of \$51,255.00 plus applicable taxes, a copy of which is attached hereto as Schedule "A" and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law 2022-019

Agreement between

The Corporation of the City of Temiskaming Shores

and

EXP Services Inc.

engineering services related to the expansion of the New Liskeard
Waste Disposal Site

This agreement made this 1st day of February 2022.

Between:

The Corporation of the City of Temiskaming Shores

(hereinafter called “the Owner”)

and

EXP Services Inc.

(hereinafter called “the Contractor”)

Witnesseth:

That the Owner and the Contractor shall undertake and agree as follows:

Article I:

The Contractor will:

- a) Provide all material and perform all work described within this Agreement.
- b) Do and fulfill everything indicated by this Agreement and in the Contract Documents as itemized in Appendix 01, a copy of which is hereto attached and forming part of this agreement; and
- c) Complete, as certified by the Manager Environmental Services, all the work by **September 30, 2022.**
- d) The time limits referred to in this Agreement may be abridged or extended by mutual agreement by both Parties.

Article II:

The Owner will:

- a) Pay the Contractor in lawful money of Canada for the material and services aforesaid Fifty-One Thousand, Two-Hundred and Fifty-Five Dollars and Zero Cents (\$51,255.00) plus applicable taxes, subject to additions and deductions as provided in the Contract Documents.
- b) Make payment on account thereof upon delivery and completion of the said work and receipt of invoice, in accordance with the City of Temiskaming Shores Purchasing Policy, and with terms of Net 30 days after receiving such invoice.

Article III:

All communications in writing between the parties, or between them and the Manager shall be deemed to have been received by the addressee if delivered to the individual or to a member of the firm or to an officer of the Owner for whom they are intended or if sent by hand, Canada Post, courier, facsimile or by another electronic communication where,

during or after the transmission of the communication, no indication or notice of a failure or suspension of transmission has been communicated to the sender. For deliveries by courier or by hand, delivery shall be deemed to have been received on the date of delivery; by Canada Post, 5 days after the date on which it was mailed. A communication sent by facsimile or by electronic communication with no indication of failure or suspension of delivery, shall be deemed to have been received at the opening of business on the next day, unless the next day is not a working day for the recipient, in which case it shall be deemed to have been received on the next working day of the recipient at the opening of business.

The Contractor:

EXP Services INC.

P.O. Box 1208, 310 Whitewood Avenue West
New Liskeard, Ontario
P0J 1P0

The Owner:

City of Temiskaming Shores

P.O. Box 2050, 325 Farr Drive
Haileybury, Ontario
P0J 1K0

The Manager of Environmental Services:

Steve Burnett

City of Temiskaming Shores
P.O. Box 2050, 325 Farr Drive
Haileybury, Ontario
P0J 1K0

Remainder of Page left blank intentionally

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in
the presence of)

EXP Services INC.

Nolan Dombroski, Branch Manager/ Senior Engineer

Municipal Seal)

**The Corporation of the City of Temiskaming
Shores**

Mayor – Carman Kidd

Clerk – Logan Belanger



Appendix 01 to
Schedule "A" to

By-law No. 2022-019

Form of Agreement



Engineering Services for
**New Liskeard Waste Disposal
Site Expansion**

The Corporation of the City of Temiskaming Shores

Proposal Number: 999-22000501-PP
Prepared By: Douglas Walsh, C.E.T.
Reviewed By: Nolan Dombroski, P.Eng.

EXP Services Inc.
310 Whitewood Ave. West
New Liskeard, ON P0J 1P0
Phone: +1.705.647.4311
Fax: +1.705.647.3111
EXP.com

Date Submitted: January 24th, 2022

Contents

- 1 Introduction2
- 2 Understanding of Local Conditions2
 - 2.2 Project Scope2
- 3 Project Team.....3
 - 3.1 Organizational Chart3
 - 3.2 Project Team4
- 4 Corporate Experience.....5
 - 4.1 Similar Projects5
- 5 Work Plan.....7
 - 5.1 Project Management7
 - 5.2 Municipal Class Environmental Assessment7
 - 5.3 Preliminary Phase8
 - 5.4 Tender Preparation Phase9
 - 5.5 The Tendering Process9
 - 5.6 Contract Administration10
 - 5.7 Preparation of Tipping Fee Schedule.....12
- 6 Insurance12
- 7 Schedule12
- 8 EXP’S Health and Safety Policy.....12
- 9 Closure13
- Appendix A - Resumes14
- Appendix B – Project Profiles15
- Appendix C – QA/QC Plan16
- Appendix D – Schedule.....17
- Appendix E – Cost Estimate18
- Appendix F – City Forms for Submission19

1 Introduction

EXP Company Profile

EXP New Liskeard, is a full-service multi-disciplinary engineering and architectural firm. We offer consulting, investigation, testing and problem-solving services in geosciences, environment, building science, mechanical, electrical, construction materials, pipeline services, fire and life safety, municipal, transportation and facilities engineering. We serve both private and public-sector clients across Canada, USA and internationally.

EXP has extensive experience and an excellent reputation in **Solid Waste Management**, stemming from our numerous assignments in feasibility studies, planning, design, construction and monitoring. With the support of our other service lines, we provide seamless delivery of integrated projects.

Declaration

EXP confirms that we intend to comply with all the provisions and requirements outlined in the document “Engineering Services – NL Waste Disposal Site, Request for Proposal, RFP Number: 002-2022”, and acknowledge that we have received PW-RFP-002-2022 – Addendum No 01, issued on January 19, 2022.

2 Understanding of Local Conditions

2.1 General

The New Liskeard Waste Disposal Site is owned by the City of Temiskaming Shores (City). The purpose of this proposal is to, through the utilization of previous Study documents and the recently acquired Environmental Compliance Approval No. A-500-1115044194 (ECA), provide Engineering Services to prepare the necessary tender documents, evaluate submissions received in response to the tender process and provide contract administration and inspection throughout the construction phase to complete the planned expansion of the waste disposal site. The resulting project is intended to increase the capacity at the site and extend the life expectancy by an estimated twenty-five (25) years.

2.2 Project Scope

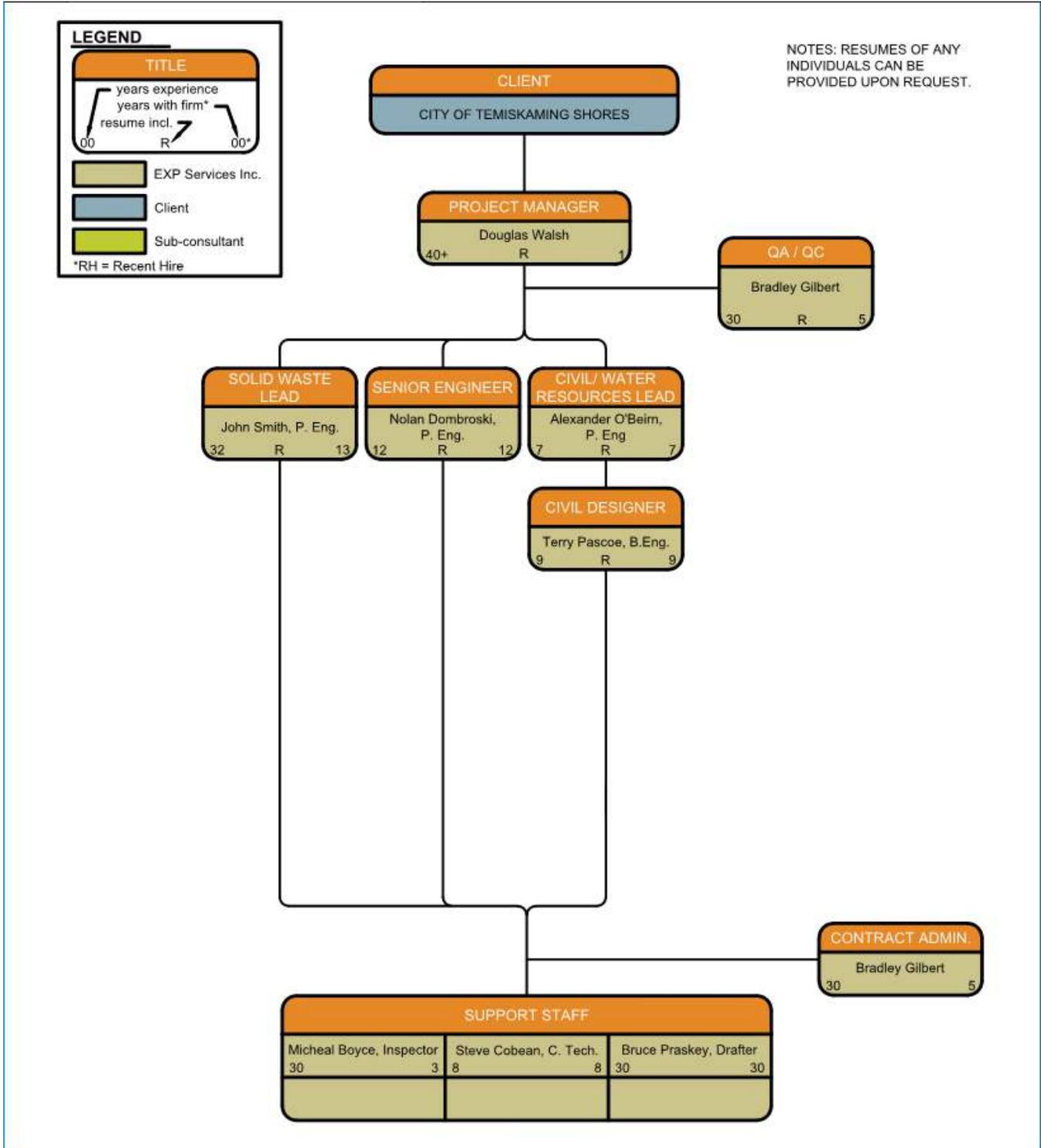
Bearing in mind that time is of the essence with respect to completing the required construction of the expanded site, the primary objectives of this project is to prepare and release the necessary tender documents in a timely manner, evaluate the submissions throughout the tendering process and make informed recommendations to the City for the award of the construction phase, prior to May 2, 2022.

Utilizing all available information (drawings, plans, reports and the ECA) that have been provided to the City, through the Environmental Assessment and Environmental Compliance Approval phases, the necessary tender documents will be prepared, as clarified in Addendum No 1, issued on January 19, 2022. Project start-up, document review and pre-tender review meetings are recommended to ensure that the City is engaged in the project assignment.

Following the pre-tender review meeting, and with the approval of the City, EXP will prepare for the Tender Call, respond to any questions arising during that period, review all submissions and prepare a recommendation for the City to consider. EXP also welcomes the opportunity to carry out the Contract Administration, Contract Supervision and provide the Final Project Report on behalf of the Municipality as well assist the City in the preparation of an appropriate Tipping Fee Schedule for use at the New Liskeard Waste Disposal Site.

3 Project Team

3.1 Organizational Chart



3.2 Project Team

Review Engineer | John Smith, BES 32 years of Experience

John Smith, BES, will perform an in-depth review of the regulatory and technical aspects of this project, ensuring that it complies with all regulatory requirements. John is EXP's Waste Management Specialist and has 27 years of experience in municipal corporate and private sector waste management. He has a wide range of experience in waste management planning, technical and financial review, waste diversion program design and communications, which extends from waste management strategy development to program design and implementation of waste management and communication strategies. John has also worked on or managed many projects involving community-based planning, public and stakeholder consultation, Advisory Committees, consensus building, process design and facilitation.

Branch Manager/Senior Engineer | Nolan Dombroski, P.Eng. 12 years of Experience

Nolan is an Experienced Civil and Water Resource Engineer in the design of municipal roadways, highways, watermains, sewer systems, treatment plants and pumping stations. He has been involved in MTO, municipal, environmental and geotechnical design projects as well as site inspection on projects. Nolan has experience as a project manager on municipal, provincial and private infrastructure projects. Nolan has also worked in the past as a construction supervisor on a trunk sanitary sewer replacement project which included watermain replacement and road reconstruction.

Civil / Water Resources Engineer | Alexander O'Beirn, P.Eng. 7 years of Experience

Alexander will be the Project Manager and Civil/Water Resource Engineer on this project. Alexander has experience as a project manager on several Water / Wastewater projects with OCWA in the North West Region. He is experienced in the design and analysis of potable water distribution systems, municipal storm sewer and sanitary sewer systems, stormwater management, sanitary pumping stations, highways & municipal road design and site servicing. Alexander has experience as a design lead and project manager on municipal, provincial and private infrastructure projects.

Project Manager | Douglas Walsh, C.E.T. 40 years of Experience

Douglas Walsh will be responsible for assisting Nolan Dombroski in the project management role. Doug is a graduate Civil Engineering Technologist and has a wide range of experience in municipal infrastructure including water distribution, sewage collection, roadway construction and maintenance and solid waste management. Most recently, he was employed as the Director of Public Works with the City of Temiskaming Shores, managing various linear infrastructure projects related to potable water and wastewater as well as roadway maintenance and construction. Doug has joined EXP as a resource to the company and the clients that they serve for project planning, construction and asset management.

Civil Designer | Terry Pascoe, B.Eng. 9 years of Experience

Terry Pascoe has 9 years of experience as a Civil Designer at the EXP New Liskeard office. His experience includes involvement throughout multiple stages of various types of projects, including street reconstruction, grading plans, and design of sanitary sewers, watermains, and storm sewers. As a Civil Designer, Terry will be responsible for the design of the proposed sanitary sewer, and watermain replacement, as well as the road reconstruction design. This includes overseeing the implementation of the designs into plan and profile drawings and the contract specifications package.

Contract Administrator, QA/QC Reviewer | Bradley Gilbert, A.Sc.T, rcsi 30 years of Experience

Brad Gilbert is a senior civil engineering technologist with over 30 years of experience in the civil engineering field. Brad has a wide variety of municipal design, surveying, and contract administration experience in numerous projects throughout the northern corridor that involved watermain, sanitary sewer, storm sewer and complete road reconstruction. Brad has experience as a project manager on numerous jobs throughout Northern Ontario, with proven ability to successfully complete them on time and on budget.

Resumes for the above noted staff can be found in **Appendix A**.

4 Corporate Experience

4.1 Similar Projects

We are pleased to provide the following relevant project examples that demonstrate our capability to successfully undertake this assignment:

Highway 573 Bridge Replacements | 2013-2015

Client: Ministry of Transportation

Contact: Richard Mongeon, Construction Manager - (705) 647-3829

Project Value: \$5.9M (excl. HST)

Relevance: The project was designed by a third-party consulting firm and the Ministry retained EXP to provide Project Management, Contract Administration, day to day Inspection, Quality Assurance and Control and Compliance with the tender documents.

EXP Services Inc. was retained by the MTO to provide the construction contract administration services for the replacement of three bridges in the Village of Charlton on Highways 573. The contract was spread over two years and required significant planning for staging to maintain access to the community.

Annual Paving Program Contract Document Preparation | 2020-2021

Client: Town of Kirkland Lake

Contact: Jim Roman, Director of Public Works – (705) 567-9361

Project Value: \$5,000.00+ (excl. HST)

Relevance: The project included the preparation of tender ready contract documents and specifications for the Municipality to acquire the services of a paving contractor utilizing the drawings, grade sheets and specifications.

EXP Services Inc. was retained by the Town of Kirkland Lake to prepare construction drawings, grade sheets, estimated quantities as well as tender documents and specifications for various streets within the Municipality.

Waste Disposal Site Annual Volume and Capacity Reports | 2015-Present

Client: Town of Kapuskasing

Contact: Eric Cote, General Manager – Public Works - (705) 337-4269

Project Value: \$8,000.00 - \$10,000 (excl. HST)

Relevance: The project includes but not limited to annual topographic surveys and the preparation of volume and capacity reports, recommendations with regards to the Site operation optimization. This is one of many clients that EXP provides services to, demonstrating our familiarity with MECP requirements and site operations with respect to Waste Disposal Sites.

EXP Services Inc. has been retained by the Town of Kapuskasing (and many others in the Timiskaming, Timmins and Cochrane Districts) to ensure that they continue to comply with the Environmental Certificate of Approvals issued for the operation of Waste Disposal Sites in North-Eastern Ontario.

Professional Engineering Services | 2021 (3year Agreement)

Client: Town of Iroquois Falls

Contact: Joel Cyr, Director – Public Works - (705) 232-6391

Project Value: Depending on the Job Task

Relevance: EXP participated in a competitive proposal submission process to offer a full-service, multi-disciplinary engineering approach to a wide range of projects the Town has planned within their Asset Management Plan.

EXP Services Inc. has been retained by the Town of Iroquois Falls to complete various projects in 2021 and 2022 including a detailed Road Needs Study within the Porquis Junction townsite, a multi-million dollar street reconstruction project and upgrades to the Waste Water Treatment Facility.

Additional Project Profiles can be found in **Appendix B**.

5 Work Plan

5.1 Project Management

Our Process

Strong project management is required throughout all phases of the project in parallel with the tasks described in the work plan. The major project management tasks to be carried out include:

- Effective and efficient communication with project team and client.
- Management of the inputs of the project team and specialists by the Team Leaders.
- Regular liaison activities with the project team, led by the Team Leaders and/or the EXP Project Manager.
- Preparation of reports by the Team Leaders assisted by other consulting staff and;
- Maintenance of detailed financial and accounting records of the project by the Project Manager.

Our Information Collection Approach

Information and data collection is the first step of the project start-up meeting. Through previous studies, a great amount of information related to the project assignment has been collected. Close co-ordination of the project team will be required to validate and update the information, so that it can be used for the tendering phase of this project. Accurate knowledge of the existing condition and all relevant elements will help to organize and optimize the facility, as well as define the most appropriate alternatives.

The required basic information is related to the following topics:

- Topography, climatology, hydrography, topographic maps, identification of main drainage patterns, hydrologic parameters (imperviousness, area, land use, etc.).
- Existing infrastructure: information on present site conditions and intended use and configuration of the site.
- City's vision of the "final product / ready for use" waste disposal site.

Our Tender Package Design and Cost Evaluation Approach

The proposed layout of the waste disposal site, site drainage and access will be reviewed and any alternatives will be screened with respect to the Environmental Compliance Approval, potential operation constraints and pre-set objectives resulting in the selection of a preferred alternative.

The main objective is to provide the most efficient and effective operation and maintenance of the waste disposal site while conforming with the requirements of the ECA, Operations Plan and the eventual Closure of the Site. Prolonging the life expectancy and remaining cognisant of the operating costs will be of the utmost importance. Each alternative will be analyzed in comparison with the conceptual drawings, provided by the City in the Request for Proposal package, and estimates of construction and implementation costs (including appropriate contingencies).

5.2 Municipal Class Environmental Assessment

It is EXP's understanding that a comprehensive Environmental Assessment study (EA) for this project has been completed and that the Environmental Compliance Approval has been issued by the Ministry of Environment and Conservation and Parks (MECP). As such, the reports, studies, approvals and conceptual drawings will be used as the basis for the preparation of the tender documents and construction of the waste disposal facility.

Compliance with EA Legislation

As noted previously, it is EXP's understanding that the EA process has been completed and that the public consultation component has been satisfied. EXP staff has extensive knowledge of the EA process and understands the essential needs of this project.

Public Consultation / Communication

Excellent public communication plans build and maintain community trust and credibility, improve project support and identify community issues far enough in advance that they can be effectively addressed.

Based upon our experience, EXP is aware of the importance of combining research and knowledge about the potential affects on the community through a meaningful public communication that is open and honest. Our ability to see the project through the eyes of the City's residents will be important to the success of the project.

5.3 Preliminary Phase

The Site Visit

The site visit is an important first step of the project and will take place immediately following the award of the project. This process consists of a preliminary field visit to the site by the Project Manager and team members to have a general overview of the project. The main objectives of the site visit are as follows:

- Establish a communication protocol.
- Establish a detailed work plan in consultation with the project team.
- Collect and conduct a preliminary review of background data, relevant documents, previous studies, and applicable laws and regulations.

EXP will prepare a detailed work plan that will consider observations and comments received from the project team during the site visit and it will become the main guideline in terms of activities and scheduling for the entire project.

The Project Initiation Meeting

Key members of our team will attend a project start-up meeting with City staff within one week of project award. Specific items to be covered include:

- Reviewing the proposed work plan (including milestone dates),
- Establishing key features / criteria to be included in the tendering phase,
- Determining the preferred tendering approach, and
- Understanding any other unique project challenges or constraints.
-

Following the project initiation meeting, EXP will provide a summary of the discussions and decisions that were made with regards to the directions provided.

5.4 Tender Preparation Phase

Project Initiation and Management

Upon project commencement, EXP will conduct an internal kick-off meeting to review key project deliverables, timelines and scope of work. Our project management is rigid in practice, aligns to established and industry standard PMBOK principals, and will keep the project on schedule and within budget.

Following the project kick-off meeting, EXP will identify any outstanding background information and conduct a field investigation to verify and document any discrepancies or issues that may affect the tendering phase. This information will be reviewed with the City and carried forward into the remaining project phases.

Preliminary Tendering Brief

At this stage of the project, EXP will propose options for optimization and efficiency initiatives. From a site optimization perspective, EXP will review with the City the need for various features and configurations that have (or have not) been included in the conceptual drawings provided in the Request for Proposal as well as those included in the Environmental Compliance Approval issued by the MECP.

With respect to efficiencies, EXP will review this from an operations and maintenance prospective again using the conceptual drawings provided in the Request for Proposal as well as those included in the Environmental Compliance Approval issued by the MECP.

60% Tender Preparation

In the tender preparation stage, EXP will develop the standard and special conditions components of the documents as well as an initial quantity estimate for the various items to be included in the Form of Tender. The preliminary draft tender package will be quantified with construction cost estimates and provided to the City for a client review. Following the review period, EXP will incorporate the City's feedback into the Final Tender package preparation.

Final Detailed Tender Preparation

At the 90% tender preparation stage, EXP will prepare a complete set of contract documents, including the updated conceptual drawings and specifications relating to the scope of work to be completed. EXP will ensure the tender package is marked as "Issued for Approval".

5.5 The Tendering Process

Following the City's review of the Tender Package, EXP will finalize the Tender Documents and Technical Specifications in accordance with procurement procedures to hire Contractors for execution of the work. In addition, EXP will ensure that any further approvals are in place prior to tender and that all contract documents are complete and contain sufficient detail necessary for the construction of the works.

EXP will coordinate the publication of the call for tenders and the issuing of all tender documents to Contractors requesting the information. During the tendering period, EXP will respond, in writing, to all questions and requests for clarification or additional information. If, because of questions or other circumstances, EXP realizes a need for changes to the tender, applicable addendums will be issued to all bidders.

EXP will arrange for a mandatory tender site visit to be attended by all interested bidders. EXP will chair and prepare minutes of pre-tender site meeting with the bidders, provide project overview and review the contract documents.

EXP will attend the Tender Opening, receive copies of all submissions, review and analyze the bids and provide recommendations to the City regarding tender award. The Tender Report will be supported with a digital spreadsheet on all bids received.

5.6 Contract Administration

General

EXP has reviewed the Contract Administration and construction supervision requirements and will provide the City with a thorough oversight of the construction work. EXP proposes to have site supervision of an estimated 1000 hours of critical site activities (Dependent on Construction Activities). We have also allowed for 200 hours of part-time Contract Administration.

Programing Scheduling and Permitting

The key professional staff of the engineering consulting team will interpret all drawings and specifications as may be required to ensure compliance of the Construction Contractors with all provisions of the contract documents. EXP will work with the Project Team and the Construction Contractor in matters relating to the construction of the project that may develop from time to time. EXP will review the contractor's schedule at the beginning of construction, and every two weeks thereafter. EXP will also identify any scheduling issues, advise the City and establish corrective measures with the Contractor.

Reports and Records

EXP will co-ordinate submission, review and record keeping of shop drawing submissions by the Contractor. EXP will also respond to requests for clarification by Contractor through consultation with the City and issuing of Instruction Notice to Contractor to address each issue raised. The Project Manager will attend to, and report on, public complaints concerning execution of the works.

Preparation of Administrative Procedure

The key professional staff of the engineering consulting team will ensure that the Construction Contractor has acquired all necessary permits and documents required for the construction before work commences, and that the Contractor complies with all conditions of the permits. EXP will arrange for, and chair, construction review meetings (as necessary) with the Contractor and client, including preparation and distribution of agenda and minutes of meeting. EXP will provide all engineering discipline specialists (i.e. mechanical, civil and electrical etc.) to conduct on-site inspections during construction and commissioning to ensure that the contractors work in the specific discipline is constructed in accordance with the plans and specifications.

Site Records Contract Document Modification

EXP will maintain, as appropriate, at the site and/or at the office, record copies of contracts, engineering drawings, vendor catalogues and drawings, codes and standards, survey records, work measurements, test logs, samples, revisions, change order information, and related documents, and will distribute them as required. EXP will revise any conceptual drawings as needed to ensure compliance with the contract documents. The Project Manager will revise contract specifications when necessary for the proper guidance and coordination of selected materials and equipment conforming to the contract documents.

The field inspector will prepare bi-weekly written status reports for the City's review to discuss progress on the work, issues encountered during the reporting period, schedule for upcoming work, and staffing requirements. EXP will ensure that a set of (marked-up) as constructed drawings are maintained for use in the preparation of record drawings after the project.

Manage Quality Control

EXP will verify that the Contractor maintains adequate numbers of professionally and technically qualified staff, to execute the works in a proper manner. EXP will ensure all QC/QA samples are properly taken and that test results are entered in EXP forms, evaluated and submitted to client. (In addition to full time or part time inspection, as required, of layout and workmanship).

EXP's QA/QC Manual can be found in **Appendix C**.

Field Meetings

When required, the Team leader/ Deputy team leader/ Senior supervising engineers will attend regular site meetings with the Contractor to review progress of the works, construction scheduling, difficulties encountered, and any other matters affecting project construction. As required, EXP will propose solutions to overcome construction issues and present the solutions to the City for approval.

Managing Change Orders

EXP will liaise with the Project team as required to identify upcoming issues and review any requested changes to the proposed construction. EXP will carry out additional investigations and additional surveys including revision of contract designs or provision of design changes if it is deemed necessary during the construction. The Contractor will be instructed to carry out the work identified on the revised design provided that the basic intent of the approved detail design is not altered, and the overall contract cost is not impacted. If EXP proposes a design change that alters the design parameter and/or overall contract cost, EXP will present for the approval of the City, any changes to the contract documents that we believe are in the best interest of the City. EXP will provide the necessary information on any effects the changes may have on contract costs and time, as well as prepare all necessary change orders including alteration of plans, specifications and other details for the approval of the City.

Daily Diaries

EXP will keep daily records of the progress of works at the construction site as well as record all issues on site (using photographs, notes, sketches) which affect the project schedule caused by changes in project scope.

Post Construction Services

EXP will provide the following services during the post construction period:

- Prepare complete record digital drawings in DWG and PDF format and hard copies using the "as constructed" drawing data collected during construction.
- Confirm that copies of all required regulatory approvals have been provided to the City in the operations and maintenance manuals.
- Ensure that an appropriate Tipping Fee Structure has been prepared and recommended for City Approval.

5.7 Preparation of Tipping Fee Schedule

EXP has reviewed Tipping Fee Schedules for several municipalities throughout the Province, as well as the current Fee Schedule at the City's Haileybury Disposal Site. EXP will survey other municipalities and liaise with City staff and operations personnel to develop a fee structure and collection process that will be both efficient and effective in meeting the needs of the City's operation at the expanded New Liskeard Site.

6 Insurance

EXP is a Professional Consulting Engineering firm, as such, Professional Liability insurance for any actual or alleged error, omission, or negligent act arising out of the professional services provided by EXP, including environmental services, will be provided.

EXP will provide our generic insurance certificates upon award, if requested. The insurance includes coverage for liability arising out of the actual, alleged or threatened discharge, dispersal, release or escape of pollutants, including, but not limited to, any solid, liquid, gaseous or thermal irritants, toxic or hazardous substances, and contaminants. Our insurance certificates will show that we are covered for the following:

- General Liability \$5,000,000.00
- Professional Liability \$5,000,000.00
- Automobile \$5,000,000.00

7 Schedule

Assuming a project award date of February 1st, 2022, EXP is very confident we could meet an estimated target tender date of May 2nd, 2022 with an overall project completion date of September 30th, 2022.

Throughout the project duration, our Project Manager will provide bi-weekly status updates to the City to track the progress against the schedule. EXP will also be employing key elements of our internal Quality Management System to ensure that the project stays on track.

The proposed schedule for all work included in this proposal can be found in **Appendix D**.

8 EXP'S Health and Safety Policy

At EXP, we are committed to fostering excellence in environment, health and safety ("EHS") performance in all aspects of our business. We strive to create an injury-free and environmentally responsible workplace for the benefit of our employees, our clients, our business partners and the communities where we work. Excellence in the management of EHS responsibilities and issues is a fundamental corporate responsibility and part of the EXP way of doing business.

EXP's Executive Committee has overall responsibility for EHS matters and leads the strategic direction and performance monitoring of activities carried out by the EHS function in the company. Our business unit leaders also have overall accountability for EHS matters within their businesses and are responsible for implementing organizational arrangements to ensure compliance with this policy and applicable laws. EXP's employees, at all levels, have a personal responsibility to take due care and follow the company's EHS rules. They also have a responsibility to warn others of potential hazards and unsafe behaviors. Fulfilling these responsibilities is an employment obligation and is consistent with EXP's Worldwide Code of Ethics and Business Conduct.

EXP conducts its business in accordance with the following key EHS principles and is dedicated to creating effective management systems that are based upon the following:

- Meeting or exceeding all applicable laws, regulations and other requirements to which EXP is subject and monitoring compliance with such requirements through periodic assessment;
- Commitment to an injury-free workplace through employee involvement and continual improvement in EHS performance and hazard reduction;
- Robust training systems to ensure that all persons working for or on behalf of the company are competent to fulfill their EHS responsibilities;
- Promotion of health and wellness of our employees;
- Consideration of EHS issues during acquisitions and divestitures;
- Selecting competent subcontractors who will commit to complying with EXP's EHS standards and requirements;
- Communicating with persons working for, or on behalf of, EXP and other stakeholders regarding EXP's EHS policies, programs and performance;
- Update and report to the Executive Committee, on a periodic basis, performance in respect of EHS goals and related metrics for continuous improvement;
- Existing Service locates;
- Fire flow capacities for new or existing hydrants;
- Design of roadways and dewatering systems for newly constructed easements.

Overall, EXP is committed to continually improving our EHS standards, culture and performance and will continue to maintain appropriate controls to ensure compliance with this policy.

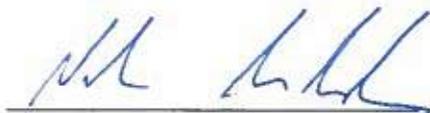
9 Closure

Based upon the information provided, and the methodology described in the previous sections, a budget with an upset limit of \$51,255.00 (excluding HST) is proposed for this project. The project budget breakdown is included in **Appendix E**.

Disbursements will be charged at standard company rates or at cost plus 5% administration fee.

Based upon the Project Schedule provided in Appendix D, the Tender Award for the construction activities is slated for May 2nd, 2022, with an estimated five (5) month construction period.

We thank you for the opportunity to provide this submission and look forward to working with the City on this project.

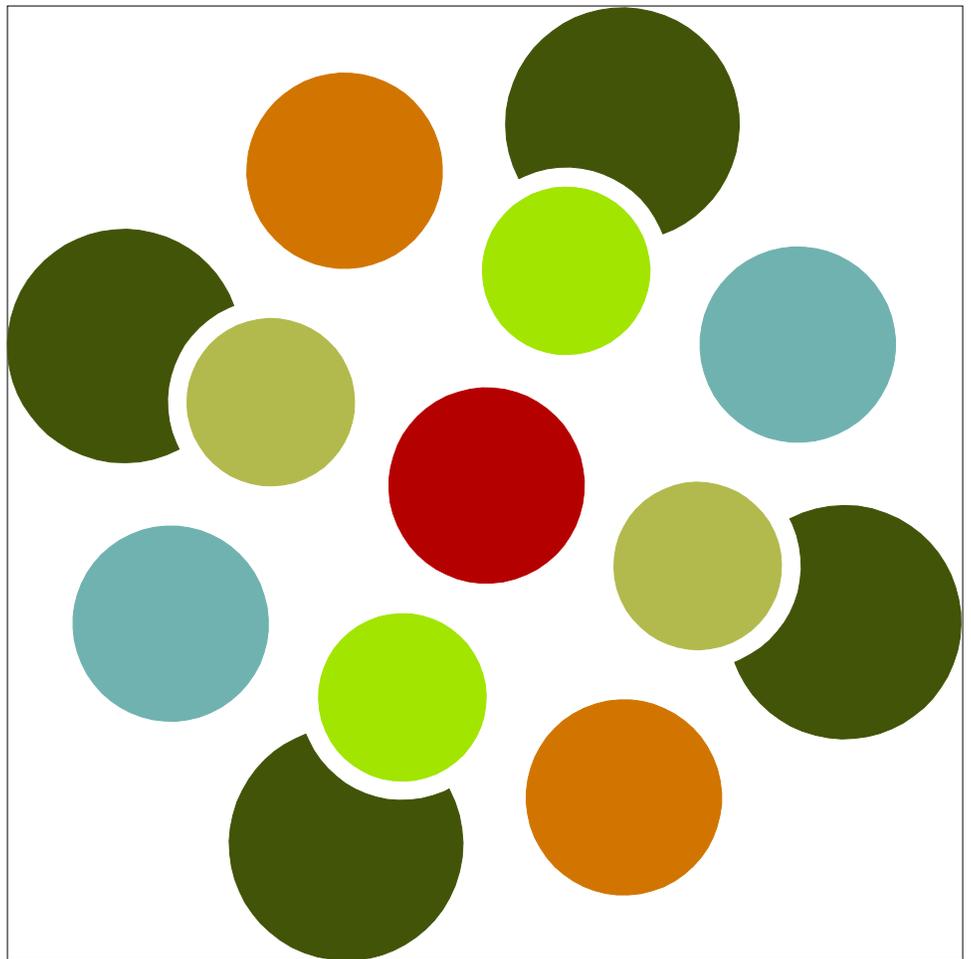


Nolan Dombroski, P.Eng.
Branch Manager, New Liskeard

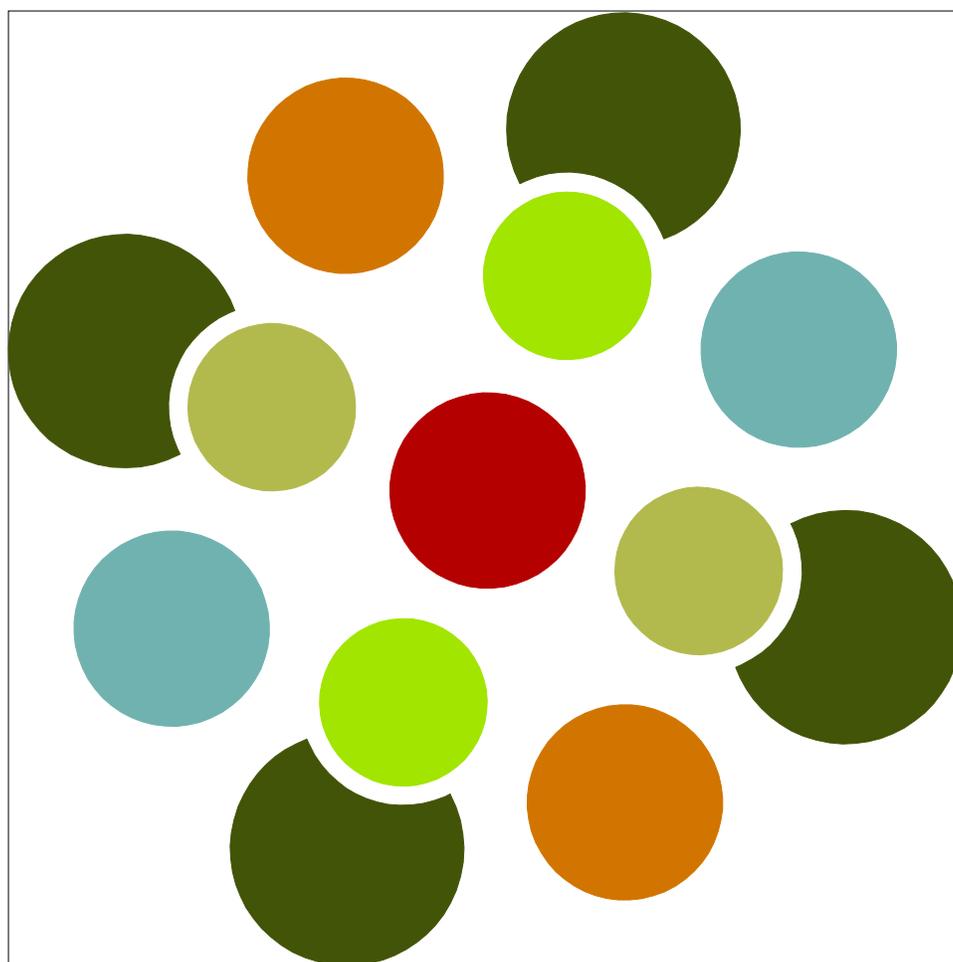


G. Douglas Walsh, C.E.T.
Project Manager, New Liskeard

Appendix A - Resumes



Appendix B – Project Profiles





116

years in business

50+

year working relationship
with the City

90+

offices in North America

3500+

professionals worldwide

#28

Top 500 Design Firms
ENR, 2019

platinum elite

Top 100 Canada's Biggest
Infrastructure Projects
ReNew Canada, 2019

Qualifications and Experience of the Firm

Corporate Profile

EXP is a multi-disciplinary engineering consulting firm, providing specialist consulting, contract administration and project management to a wide variety of public, industrial and private sector clients. EXP is well known as a prominent company of problem solvers and for its detailed investigations, field inspection, and testing services in its areas of operation. Our vision is to create vibrant, sustainable communities.

We have a heritage dating back to 1906, allowing us to leverage our experience and expertise, create trusting and enduring relationships, ensure effective operations and financial strength, and act in a socially responsible manner.

EXP is an integrated, motivated team working together with all types of clients, on projects big and small; locally, regionally, nationally, and globally. With more than 3500 employees, EXP operates out of 100 offices in North America. With local knowledge and registrations in strategic locations around the world, we've got it covered.

EXP has developed a large portfolio of project experience in engineering, contract administration and project management on multi-disciplinary and single discipline projects. EXP is very proud of its ability to provide professional services of the very highest quality to its clients. Our Quality Assurance Manual establishes corporate standards and encourages a continual process of improvement at all levels of company activities.

EXP is well positioned to offer the integrated services required for each assignment through its In-house staff and external partners. Additional information about EXP, the markets we serve, and the services we provide, is available on our website at EXP.com.

EXP Northern Ontario

EXP's New Liskeard office is a full-service, multi-disciplinary engineering office locally based in the City of Temiskaming Shores. With a strong presence in Northern Ontario, we are well-positioned to undertake this project with our experienced team of project managers, designers, and support staff. We serve municipal, private and Provincial Ministry clients ranging from Muskoka to Moosonee and are well versed in the unique challenges facing Northern Ontario municipalities. EXP New Liskeard takes pride in providing services that are completed on budget and within specified timelines.

Experience on Similar Projects

The following project profiles outline three (3) corporate reference projects completed within the last ten (10) years, demonstrating our experience delivering projects similar in scope and magnitude including: review or preliminary and detailed design, preparation of tender documents, tender period assistance, contract administration, site inspection, commissioning, training and project close-out.



Blanche River Bridge Replacement

Construction Contract Administration

Hilliardton, Ontario, CANADA

Client

Ministry of Transportation Ontario

Timeline

2019 - 2021

Services

- Structural

Project Phase

- Construction Contract Administration

EXP was awarded the high complexity construction contract administration services Assignment 5018-C-0585, a three-year project for the replacement of the Blanche River Bridge, Highway 569 from 10.9 km east of Highway 11, Site No. 47X-0038-B0, MTO Contract 2019-5020. The contract includes grading, drainage, granular base, hot mix paving, and structure.

The first year, 2019, involved the completion of preloading measures and monitoring in preparation for the construction of the piers and abutments for the new bridge. Year two, 2020, will include the fabrication, delivery, and erection of the structural steel, and the construction of the superstructure. Year three, 2021, will include the commissioning of the new bridge on the realignment of Highway 569 as well as structural coating of the new structural steel, the decommissioning and removal of the existing bridge, and final site restoration.

Veley Bridge Replacement

Hilliardton, Ontario CANADA

Client

Hilliard Twp, Hilliardton Ontario

Timeline

Completed: January 2018

Project Duration: 2016- 2018

Project Phase

- Preliminary Design
- Detailed Design
- Tendering
- Contract Administration

Project Value

\$1.3.M

Project Manager

Steve Ho, P.Eng

Technical Team

S.Cormier (Structual)

M.Ruddy (Contract Admin)

N. Dombrowski (P.Eng)



Project Overview: The new Veley bridge is a modular Bailey bridge with cast-in-place floating abutments. It has a width of 9.0m and a rise of 5.4m with an overall length of 45.7m. Veley Road is a secondary roadway in the Twp of Hilliard that is the only means of access for 4 households. A temporary pedestrian bridge was therefore constructed, as part of the project, immediately downstream of the new bridge to maintain pedestrian traffic in both directions. It consisted of a 50m single span temporary modular bridge for pedestrian traffic.

Respondent's Role/Responsibilities: EXP provided total project management service to the Client on this Project. During the design phase of the Project, we provided planning, preliminary design, hydrology and culvert hydraulic, engineering survey, and detailed civil and structural designs. Our Earth and Environment Department provided geotechnical engineering on both temporary and permanent structures, and environmental assessment. Upon completion of the design phase, EXP prepared construction specification and tender documents, assisted the Client with the tendering process and recommended award of the Contract. Once the construction began, we provided construction administration services, including chaired start-up meeting and progress meetings, issued changer orders for unforeseen works, prepared payment certificates, conducted periodic construction reviews and construction material test

Highways 11, 636, 652, 634 Structural Culvert Replacements

MTO CONTRACTS 2012-5121 & 2012-5129_ (NWL-01201030)

Cochrane Region, Ontario CANADA

Client

Ministry of Transportation Ontario,
Northern Region
447 McKeown Ave., Suite 301
North Bay, Ontario P1B 9S9
Mr. D. Matte, P.Eng., Area
Construction Manager

Timeline

Completed: 2015
Project Duration: 2012-2015

Project Value

\$15.7M

Project Manager

R. Staniforth, C. Tech.
D. G. Peterson, P. Eng.,
Jeff Hueston, P.Eng.
H. James Hawken, P.Eng.,

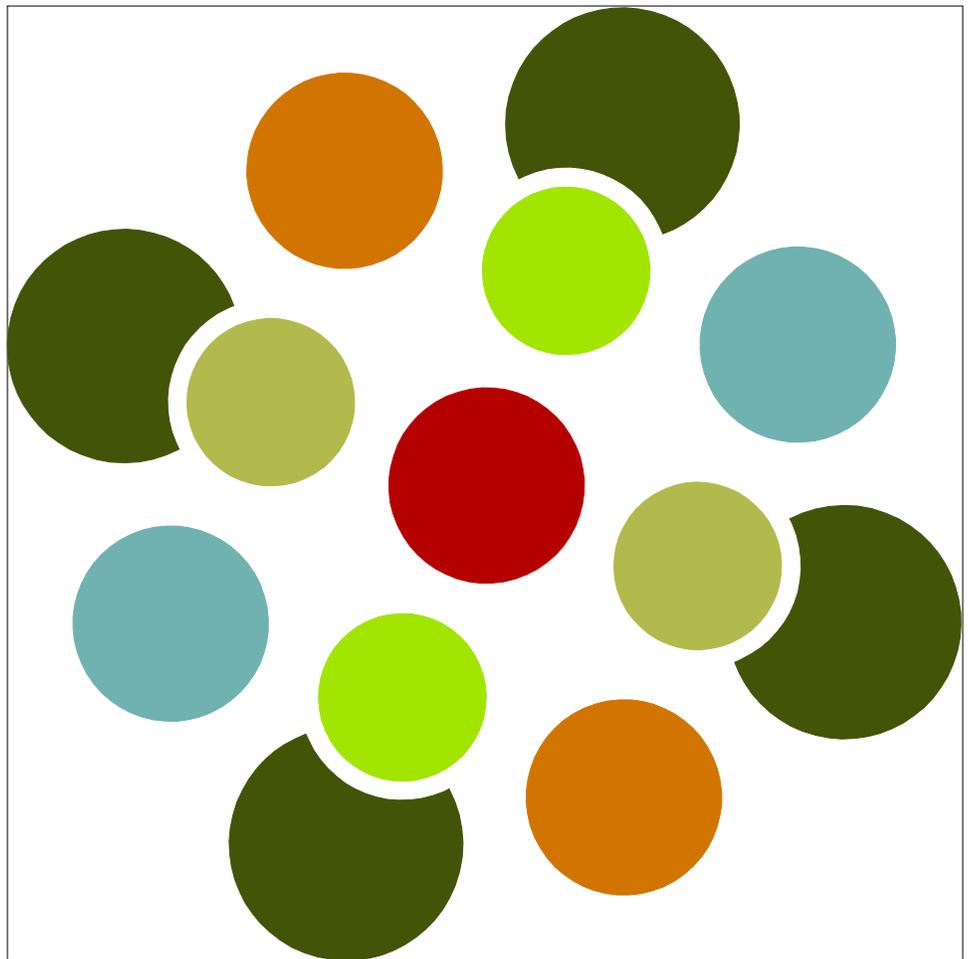


Project Overview

In 2012, exp Services Inc., was retained by the MTO to provide the construction contract administration services for the replacement of eight structural culverts in Northeast Region, on Highways 11, 636, 652 and 634. The contract was spread over a large geographical area in the Cochrane region and took three years to complete.

The construction contract administration services were provided in accordance with the requirements of the Ministry's Construction Administration & Inspection Task Manual & included day to day inspection & quality assurance to ensure contractor compliance with the contract documents. The contract included replacement of eight structural culverts with precast concrete box culverts. Tender Items included Grading, Drainage, Granular Base, Hot Mix Paving and Structure Replacements (with detours).

Appendix C – QA/QC Plan





• Quality Manual

Updated: 2016-02-02
Revision: 7

Approved by:
Dave Crandall
Quality Vice President





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Table of Contents

1.	Scope of the QMS	5
2.	Statement on Ethics	6
3.	Company Profile.....	6
4.	Organization.....	7
4.1	Responsibilities.....	8
4.2	Management Commitment.....	9
4.2.1	Mission.....	9
4.2.2	Vision	9
4.2.3	Values.....	9
4.2.4	Environmental	10
4.2.5	Health and Safety.....	10
4.2.6	Quality.....	10
4.2.7	Quality Objectives	12
4.2.8	Management Review	12
5.	Quality Management System (QMS)	14
5.1	Document Management.....	16
5.2	Resource Management	17
5.2.1	Human Resources	17
5.2.2	Infrastructure, Equipment and Work Environment	18
5.3	Service Provision	19
5.4	Measurement, Analysis and Improvement	20
6.	Revision History	21

List of Figures

Figure 1 – exp Corporate Structure.....	5
Figure 2 – exp Operational Structure	7
Figure 3 – exp Quality Organizational Structure.....	8
Figure 4 – Management Review Inputs and Outputs.....	13
Figure 5 - Continual Improvement of the exp QMS	15
Figure 6 – Structure of QMS Documentation at exp	16
Figure 7 – Project Management Phases	19

Certificates of Registration

Copies of certificates of registration are available on **exp** Intranet **explore**

- Les Services **exp** inc. (Quebec – Engineering)
Certificate of Registration ISO 9001:2008 - Intertek
- Les Services **exp** inc. (Quebec – Earth and Environment Laboratories)
Certificate ISO 9001: 2008 - BNQ
- **exp** Services Inc. (Burnaby)
Certificate of Registration ISO 9001:2008 - Pricewaterhouse Coopers LLP
- **exp** Energy Services Inc. (Houston, Tallahassee, Anchorage and Calgary)
Certificate of Registration ISO 9001:2008 - Intertek
- **exp** Services Inc. (Fredericton)
Certificate of Registration ISO 9001:2008 – SAI Global

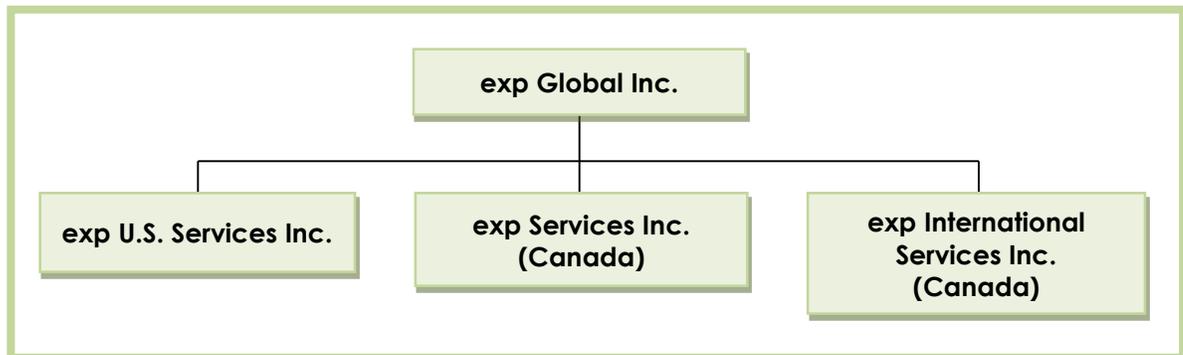
1. Scope of the QMS

A Quality Management System (QMS) has been implemented at **exp** Global Inc. (refer to Figure 1) to document the services provided to meet client requirements as well as legal and regulatory requirements. The QMS described in this Quality Manual complies with the requirements of the ISO 9001:2008 Standard. The QMS is reviewed annually to monitor its effectiveness and to implement continuous improvements as appropriate.

Exp has:

- Identified and documented the processes required for the QMS.
- Determined the sequence and interaction of the required processes.
- Documented the process to the extent necessary to assure their effectiveness operation and control.
- Provided the resources and information necessary to support the operation and monitoring of these processes.
- Monitored, measured and analysed these processes.
- Implemented action necessary in accordance with the requirements of the current ISO 9001 Standard.

Figure 1 – exp Corporate Structure



The scope includes all services offered, and the QMS applies to all projects undertaken. Specific scope of application or exclusion (if any) is documented in each procedure. The validation of processes for production and service provision (ISO 9001:2008 - Section 7.5.2) is excluded, as it is not applicable at **exp** at this time.

2. Statement on Ethics

Exp shall conduct its business and professional practice of its staff in a manner that reinforces the fundamental principles of ethical conduct respecting public safety, competency, integrity, rule of law and the dignity of the professional.

Management at **exp** believes that good ethical practices are reciprocated and lead to successful business. Employees at **exp** strive to uphold the professional nature of their profession and to work within the guidelines presented in their code of ethics.

Furthermore, all **exp** operations and employees are required to comply with the company's Worldwide Code of Ethics and Business Conduct, which focuses on the basic principles of ethical conduct: community protection and safety, knowledge, integrity, compliance to standards, and profession and employee dignity.

3. Company Profile

Exp provides professional, technical and strategic services to the world's built and natural environments in these main practice areas: Buildings, Earth & Environment, Energy, Industrial, Infrastructure, Project Management and Sustainability.

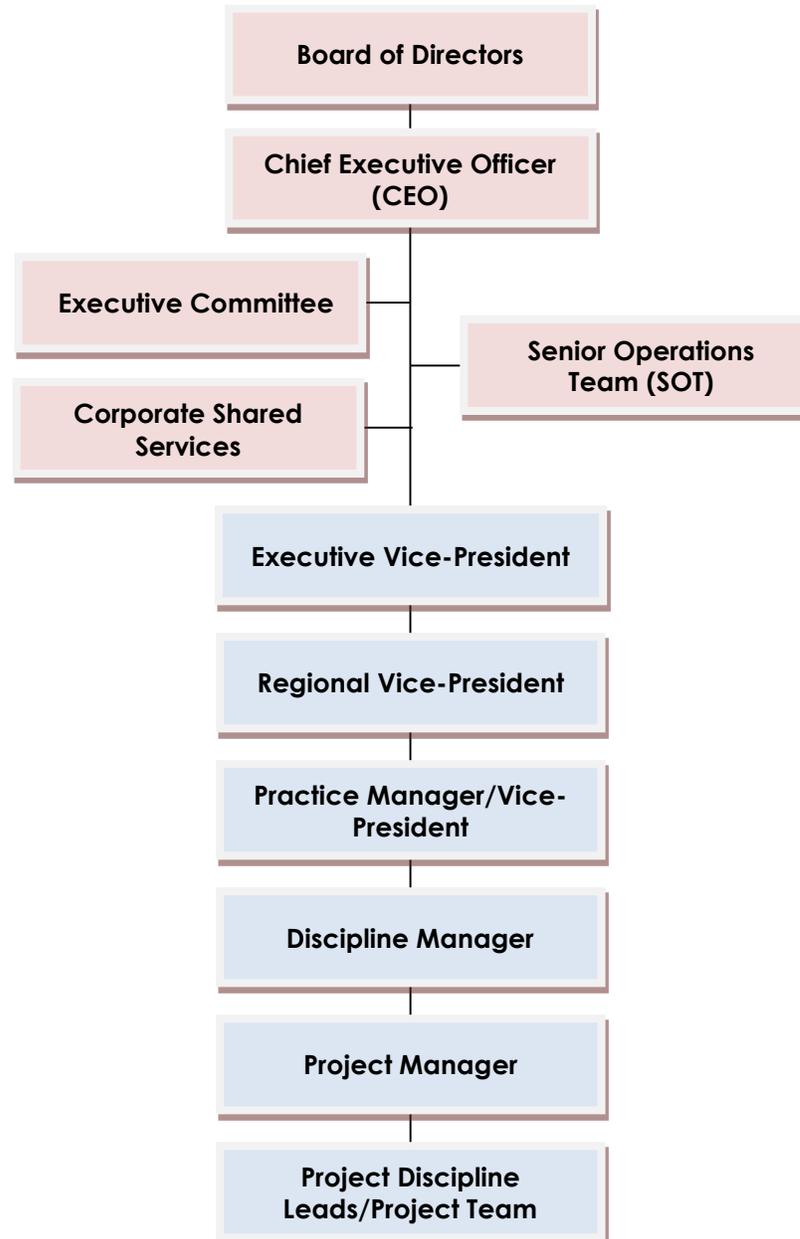
With a heritage dating back to early 1900s, and thousands of people in offices across North America and around the world, we provide the experience and expertise needed to deliver successful project outcomes for our clients and add value to their businesses. Clients have access to our global capability platform from our local office network to ensure the right people provide the right solution.

Many of our offices are registered to the ISO Standard 9001:2008 with different Registrars, among them Intertek, BNQ, SAI Global and Pricewaterhouse Coopers. Copies of the different Certificates of Registration are available on **exp** intranet, **explore**.

4. Organization

The **exp** organization is structured under a number of companies and some of them under geographical regions. The functional organization structure is depicted in the Figure 2 – **exp** Corporate Structure. All **exp** operations are supported by our shared services departments who ensure standardization and leverage of best practices across the organization.

Figure 2 – exp Operational Structure



The Quality Management Team is part of the **exp** corporate shared services and reports directly to the Chief Executive Officer, as shown in Figure 3.

Each region is supported by its own quality team and works closely with the regional Executive Vice President.

Figure 3 – exp Quality Organizational Structure



4.1 Responsibilities

The responsibilities of the Quality Management Team in each region are defined as follows:

- Support the use and maintenance of the Quality Management System (QMS) by:
 - Updating and ensuring the control of all quality documents;
 - Providing training on **exp** QMS and quality concepts, quality documents and different quality tools;
 - Performing internal audits;
 - Conducting follow-ups of external audits (if applicable);
 - Performing client surveys, analysis and report to regional management team;
 - Providing follow-up on corrective and preventive actions, and supporting continuous improvement of processes;
 - Conducting management reviews with senior management; and
 - Initiating and/or supporting quality improvement projects.
- Promote the **exp** quality culture by supporting senior management in the:
 - Deployment of the **exp** mission, values and quality policy; and
 - Communication and use of the quality management procedures and tools.

- Support internal project teams by:
 - Taking part in the proposal process; and
 - Assisting in the development and implementation of project quality plans when required.
- Provide quality management services to external clients.

The integration of the QMS into projects will result in; improved efficiency, increased profitability and improved client satisfaction.

4.2 Management Commitment

Exp's Senior Management is committed to the continued improvement and success of the documented and implemented QMS. The Quality Policy statement and the Mission statement together emphasize the importance of meeting client as well as statutory and regulatory requirements. Each year, Senior Management establishes quality objectives that are measurable and are part of the Quality Management review process.

4.2.1 Mission

With a mission to ***Understand, Innovate, Partner and Deliver***, we provide professional, technical and strategic advisory services related to the world's built and natural environments. We offer a challenging and rewarding work environment to our employees and value to our clients.

4.2.2 Vision

Our vision is to create vibrant, sustainable communities. We will leverage our experience and expertise, create trusting and enduring relationships, ensure effective business operations and financial strength, and act in a safe and socially responsible manner.

4.2.3 Values

Respect for People. We respect people, honor diversity and treat each other fairly. These are the cornerstones of our culture and the key to our ability to work successfully as a global team. We are courteous, considerate and principled - not just to some people sometimes, but to everyone - all the time.

Unquestioned Integrity. We adhere to the **exp** Worldwide Code of Ethics and Business Conduct. We live and work by this code of ethics and business conduct – we say what we do and we do what we say.

Safety. We place the highest priority on the health and safety of our employees and protection of our assets and the environment. Our goal is zero work-related injuries.

Innovative, Creative Spirit. We lead with an innovative and entrepreneurial spirit and deliver a high level of performance while always seeking creative solutions. We approach our work with agility and flexibility, anticipating change and responding with effective solutions.

Excellent Client Service. We listen and respond to the changing needs of our clients, the industry and the environment, and draw upon lessons learned from our experiences around the world.

Impeccable Quality. We recognize that quality is fundamental in all of our operations - it is everyone's responsibility. We have established procedures, assessments and continuous improvement processes in place to ensure the quality of our work.

Community and Environmental Stewardship. We support the communities in which we live and work through community involvement and by conducting our business in an environmentally responsible manner.

4.2.4 Environmental

At **exp.**, we take our responsibility for the environment seriously. We encourage our stakeholders to be environmentally responsible. We promote an integrated approach to protecting our environment and to reducing waste and pollution. By working closely with clients for cost effective environmental protection and improvement, we aim to achieve a healthy environment and economic prosperity. We believe that a workforce committed to environmental responsibility is also committed to providing superior service to our clients.

4.2.5 Health and Safety

We're people who take our EHS responsibilities seriously, and at the same time, want to show our employees, clients and business partners that we're committed to EHS. Part of this commitment means articulating our EHS policy in a comprehensive, current, and consistent manner, right across the entire organization.

4.2.6 Quality

It's our goal to deliver the best value to our clients. Through our quality management and continual improvement program, we regularly evaluate ourselves and our work, in order to provide maximum client value and satisfaction. This value helps us to establish and maintain "world-class" services and ultimately, stronger client relationships

Quality Policy

Exp's management and staff are committed to:

- providing high value-added services to its clients in its areas of expertise;
- meeting its contractual obligations with the highest ethical standards;
- constantly reviewing the effectiveness of its Quality Management System to foster continuous improvement of all aspects of our business;
- embrace and be fully committed to Corporate Social Responsibility;
- establishing its quality objectives and reviewing them annually, along with the quality policy, for adequacy;
- communicating information about its Quality Management System;
- providing training on quality to its employees;
- measuring client satisfaction;
- promoting the development and maintenance of strong relationships with all business partners.

Exp's management and staff fulfill this commitment by being *close, reliable* and *committed* to its shareholders, employees, clients, suppliers and local communities.

A handwritten signature in black ink, appearing to read 'V. Stritesky', is positioned above the printed name.

Vlad Stritesky, P. Eng.
President & CEO

4.2.7 Quality Objectives

Quality objectives are established during the management review process and are measurable and consistent with our mission, vision, values, culture, quality policy and ethics statement. The three primary objectives of **exp** are to provide customer satisfaction, continual improvement of processes and risk management.

As such, quality objectives shall support the achievement of the following goals:

- Offer innovative, value-added solutions.
- Be recognized by our clients as a strategic partner and providing superior value and services.
- Provide sustained profitability to our shareholders.
- Invest in our people and practices.
- Improve operations, performance, and efficiency.

4.2.8 Management Review

The Regional Quality Manager schedules management review meetings with the regional management team at planned intervals, at least once each year in every region (fourth quarter of fiscal year), to ensure the continuing suitability, adequacy and effectiveness of the QMS. Management review inputs and outputs are presented in Figure 4.

Each action is documented on an “Improvement Form” and is followed-up on by the quality manager in each region. The status of the actions is presented and revised, if necessary, at the following management review meeting.

Figure 4 – Management Review Inputs and Outputs

Management Review Inputs

The inputs for the management review must include information on:

- Internal and external audit reports
- Customer/client feedback
- Follow-up on quality objectives and actions recommended during previous management review meetings
- Changes that could affect the QMS
- Recommendations for continuous improvement
- Process performance and product/service conformity
- Status of preventive and corrective actions.

Management Review Outputs

The outputs from the Management Review must include any decision and action related to:

- Improvement of the effectiveness of the QMS and its processes
- Improvement of service related to client requirements
- Resource needs (human resources, equipment, infrastructure, and work environment)
- Defined quality objectives for the upcoming year

5. Quality Management System (QMS)

Maintaining an effective QMS is more than just issuing policies and procedures. It is performing real value-added activities and continuously improving processes and business practices. It enables us to provide quality services that comply with our quality policies, ethics, legal and regulatory requirements, and that meet the needs of our clients.

Senior Management, through the QMs ensures that client requirements are determined and understood. We have implemented quality monitoring activities and feedback processes (internal audits, customer satisfaction surveys, corrective and preventive actions, and opportunities for improvement) to monitor and where required improve project delivery.

Every year, the quality management team reassesses which resources are needed for the planning and management of quality.

The QMS goals are the following:

- Ensure that the services provided to our clients comply with their requirements and that the clients are satisfied.
- Continuously improve processes and services for our clients.
- Standardize business practices.
- Provide and/or develop the working tools required for staff to undertake their work.
- Minimize risk.

To reach these goals, **exp** is committed to:

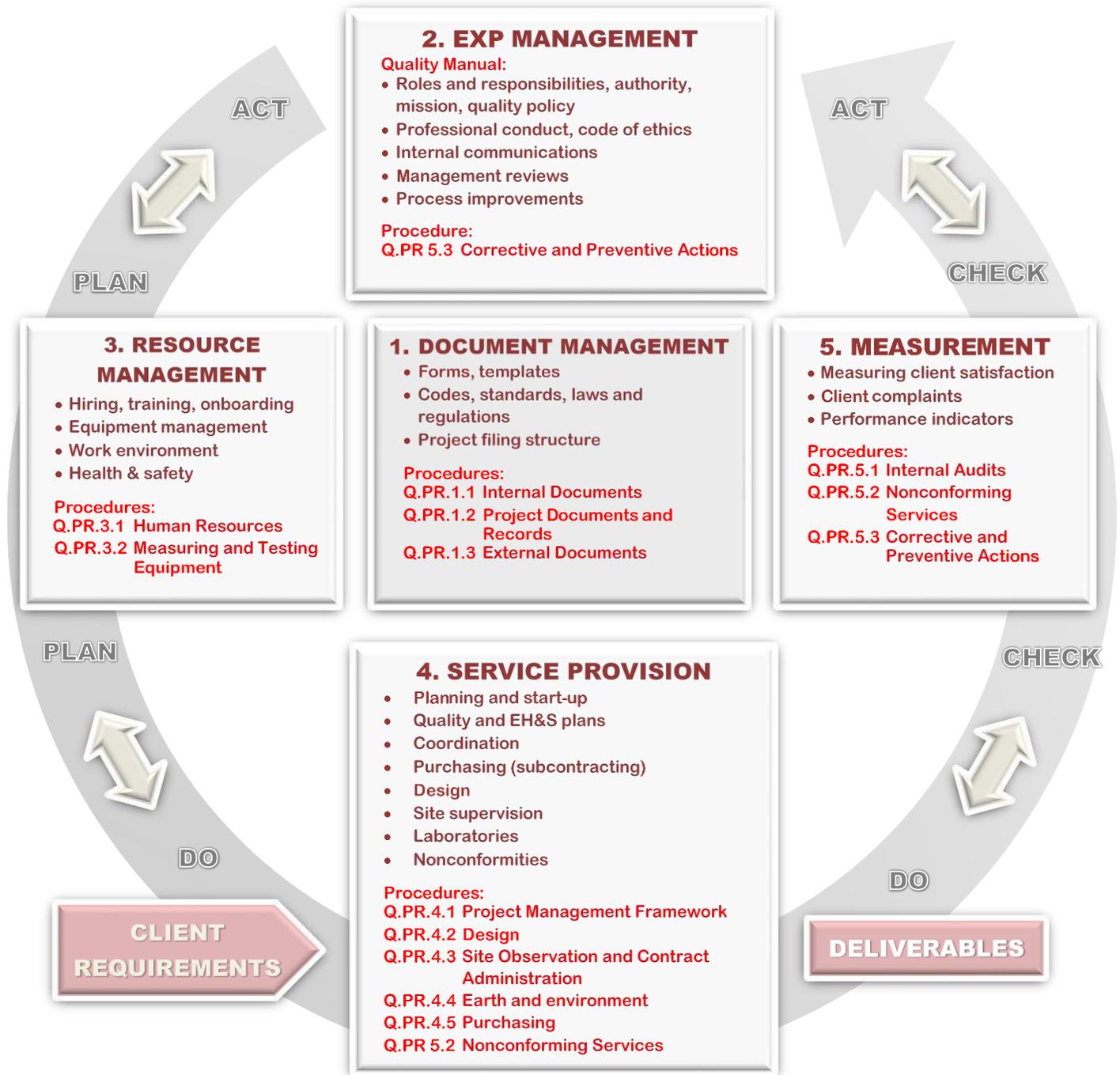
- Develop and document processes to support the QMS and meet the requirements of the ISO 9001:2008 Standard.
- Evaluate and control out-sourced processes that have an impact on the QMS and on the services delivered to the clients.
- Monitor information regarding customer satisfaction.
- Determine the sequence and interaction of the processes.
- Provide the resources and information necessary to support operations.
- Document the processes to the extent necessary to ensure their effective operation and control.
- Monitor, measure and analyse these processes and implement the required actions to achieve quality objectives.

Our QMS is constantly evolving and will never cease improving. We are committed to sharing lessons learned and to leverage best practices from local offices to other offices throughout the organization.

The **exp** QMS meets the requirements of the ISO 9001:2008 Standard and is illustrated in the form of a Deming wheel (PDCA – Plan, Do, Check, Act) - in Figure 5. These QMS

elements interact with each other to provide continuous improvement of services to internal and external clients.

Figure 5 - Continual Improvement of the exp QMS

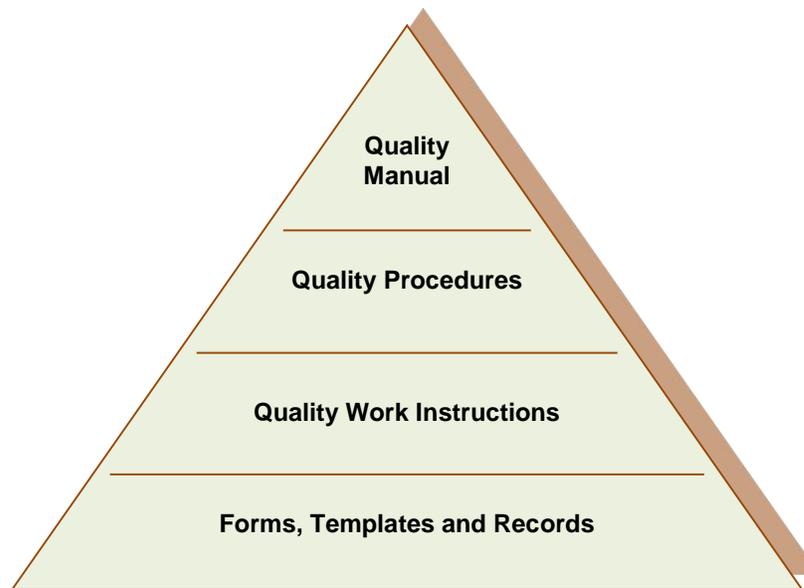


5.1 Document Management

Exp QMS documents include a quality manual, quality procedures, work instructions, quality forms, and numerous templates, continuously developed together with Operations, internal quality documents and external documents (codes, standards, laws and regulations).

The document structure of the **exp** QMS is depicted below, in Figure 5.

Figure 6 – Structure of QMS Documentation at exp



<p>Quality Manual</p>	<p>The Quality Manual is unique to the company. It contains the scope, mission, quality policy, quality organization, quality objectives and references to quality procedures. This document is required to meet the ISO 9001:2008 Standard. The quality manual is updated by the quality management team and is approved by the management of the company. This document is the only one that can be distributed to external clients depending on the requirements of request for proposal.</p> <p>To distribute the other documents outside of the company, one must obtain the authorization of Regional Quality Manager.</p>
<p>Quality Procedures</p>	<p>Quality procedures have been developed taking into account Operations and requirements of ISO 9001:2008. They describe the overall intentions and goals regarding a specific process. A quality procedure answers the questions “WHAT TO DO?” and “WHY DO IT?” It also describes specific ways to carry out the process, answering the question “HOW WE DO IT?”</p> <p>Procedures may be in the form of flowcharts and descriptive text and document the most critical processes to guide in operations management.</p>
<p>Quality Work Instructions</p>	<p>A quality work instruction is the detailed description of critical activities to perform and record a task that could be faulty due to the absence of the work instruction. Work instructions are developed based on needs identified through the quality monitoring and service as reference for production team.</p>

<p>Forms, Templates and Records</p>	<p>Forms and templates are supporting documents used to demonstrate the implementation and monitoring of the different procedures and/or work instructions. When these documents are completed, they become “records”. Records allow activities traceability and provide evidence of the proper functioning of the QMS during quality audits.</p>
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Exp has developed three procedures for document management which are outlined below:

✚ Quality Procedure Q.PR. 1.1 Internal Documents Management

This procedure describes the process for approving, updating, identification, verification, distribution and status of quality documents (quality manual, quality procedures, work instructions, forms and templates, etc.).

Distribution on the latest versions of quality documents at **exp** is only through the corporate intranet. Users are informed of changes by email or communication message.

✚ Quality Procedure Q.PR. 1.2 Project Documents and Records Management

This procedure defines the methods for the management and control of electronic and paper project files. In addition, this procedure ensures the control, storage, protection, retrieval and retention of records used or produced during project executions.

✚ Quality Procedure Q.PR. 1.3 External Documents Management

This procedure describes the process to ensure control of documents from external origin. These reference documents may be codes, standards, laws, regulations or any other type of document used as external inputs during a project.

5.2 Resource Management

Exp identifies and provides the adequate resources, including trained and competent personnel, infrastructures, equipment and work environment to maintain and continuously improve the effectiveness of the QMS.

5.2.1 Human Resources

Management is responsible for determining that employees produce quality work according to the requirements for the provided service, and that they have the necessary skills (education, training or experience). The Human Resources Department has a procedure that deals with the following:

- Documenting the training and experience required to perform specific work that impacts quality.
- Planning the training or other action required to increase staff competency when their skills to perform a task have been judged inadequate.

- Documenting the evaluation of the effectiveness of the training or action taken to correct inadequate skills.

Quality Procedure Q.PR. 3.1 Human Resources Management

This procedure is used to ensure proper qualifications and skills required for **exp** employees in performing their assignments.

5.2.2 Infrastructure, Equipment and Work Environment

Management at **exp**, in consultation with employees, is responsible for identifying, providing, and managing the adequate infrastructure, equipment and work environment required for **exp** to carry out its business.

- The following elements are considered as “infrastructure and equipment”:

- Office and laboratory work spaces;
- Computer hardware, software and technical support services;
- Communication systems;
- Reference materials, libraries and records management system;
- Document production and archiving facilities;
- Measuring and testing equipment;
- Vehicle and machinery; and
- Personnel protective equipment (PPE).

Quality Procedure Q.PR. 3.2 Management of Measuring and Testing Equipment

This procedure is used to confirm that measuring and testing equipment which impacts on quality is used and tracked properly, calibrated and kept in good working condition.

- Work environment includes the following elements:
 - Healthy and safe working conditions (**exp's** Health & Safety Management System);
 - Sound work environment; and
 - Employee recognition.

5.3 Service Provision

Activities performed throughout project delivery have to be investigated to understand and determine where QMS processes will have the highest impact on end-result quality and client satisfaction.

Each region must document in the form of work instructions and guidelines, to the extend of its needs, the processes supporting the main services they are providing to client such as:

- Earth and Environmental Services (soil and material testing, environmental services, etc.)
- Site observation/monitoring, contract administration and field work.
- Design manual and guidelines (water & wastewater, land development, MEP, structural, etc.)
- Land surveying.
- Computer aided design and drafting (CADD).
- Etc.

In addition, **Exp** has developed the following procedures to manage project execution:

✚ Quality Procedure Q.PR. 4.1 Project Management

This procedure provides an overview of the **exp** Project Management Framework that covers all services provided by **exp**. The Project Management at **exp** is a six phase process, as illustrated below and documented in the "Project Management Framework" section of the **exp** intranet "**explore**".

Figure 7 – Project Management Phases



✚ Quality Procedure Q.PR. 4.2 Design

This procedure function is to confirm that all stages of design for a project be reviewed, the inputs and outputs data are checked and **exp** deliverables are validated against the contractual requirements before final delivery to the client. All project design/validation activities are documented and filed according to the procedure Q.PR. 1.2 Project Documents Filing and Records Management.

✚ Quality Procedure Q.PR. 4.3 Site Observation and Contract Administration

This procedure is used to carry out on-site inspections.

It is intended to ensure that construction is conducted in accordance with the tender and construction documents, implement modifications that may be required during construction, and recommend final acceptance of the work.

Quality Procedure Q.PR. 4.4 Earth and Environmental Services

This procedure is used to perform activities relating to soils and materials testing, and environmental services.

It is intended to ensure the quality, reliability and repeatability of tests or analyses.

Quality Procedure Q.PR. 4.5 Purchasing

This procedure function is to confirm that services/products purchased comply with the requirements specified in procurement documents (work order/purchase order) and to ensure that:

- The selected sub-contractors and suppliers appear on the list of sub-contractors and suppliers approved by **exp.**
- The work orders/purchase orders properly describes the required service/product.
- The service/product provided complies with the work order/purchase order requirements.

5.4 Measurement, Analysis and Improvement

Exp continuously improves its QMS by holding management reviews, establishing quality objectives, analysing client feedback (survey results), conducting internal and external quality audits, studying data, implementing and monitoring corrective and preventive actions.

Exp has developed the following procedures to manage internal audits, nonconforming products/services and preventive and corrective actions:

Quality Procedure Q.PR. 5.1 Internal Audit

This procedure is used to conduct internal audits at planned intervals to determine the compliance and effectiveness of the QMS.

Quality Procedure Q.PR. 5.2 Nonconforming Services

This procedure is used to detect and eliminate nonconformities in our services throughout the project execution.

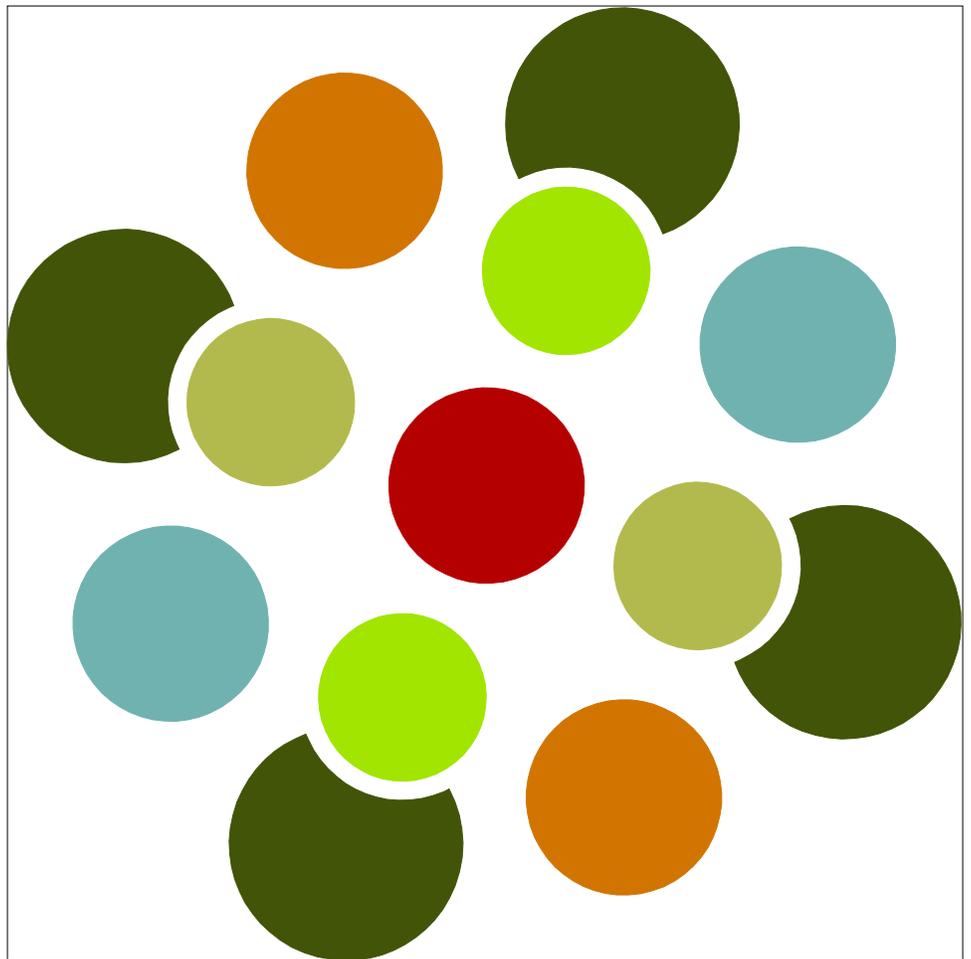
Quality Procedure Q.PR. 5.3 Corrective and Preventive Actions

This procedure is to ensure that corrective and preventive actions are used as tools to improve our operations processes, and to ensure the permanent elimination of the root causes of nonconformities.

6. Revision History

Date	Revision	Description	Approver
2012-03-29	1	Final review	Wilfrid Morin
2012-07-16	2	Appendix– exp ISO CERTIFICATES – page 4	Gaetan Miron
2012-11-15 2012-12-17	3/4	Figure 2, Figure 3, Par. 5.2.1 to 5.2.8 and 5.4 And numbering of procedure 4.1 to 4.6	Wilfrid Morin
2013-05-17	5	General update	Wilfrid Morin
	6	This revision has been skipped to harmonized with French version of the Quality Manual	David Crandall
2014-12-16	7	Major revision <ul style="list-style-type: none"> • Former sec. 1 and 2 revised and merged into sec. 1 • Statement on Ethics moved from sec. 5 to sec. 2 • Sec. 3 and 4 revised • Fig 2 and 3 revised • Management Commitment moved from sec. 5 to sec. 4: "philosophy" paragraph removed; "unquestioned integrity" value wording revised; Quality Policy updated. • Section 5: New introduction; "QMS goals" revised; fig 4 revised; new introduction to 5.1; description of quality documents revised; quality procedures description revised and renumbered; new introduction to 5.2.1; 5.2.2 revised; new introduction to 5.3 	David Crandall

Appendix D – Schedule



Project Schedule

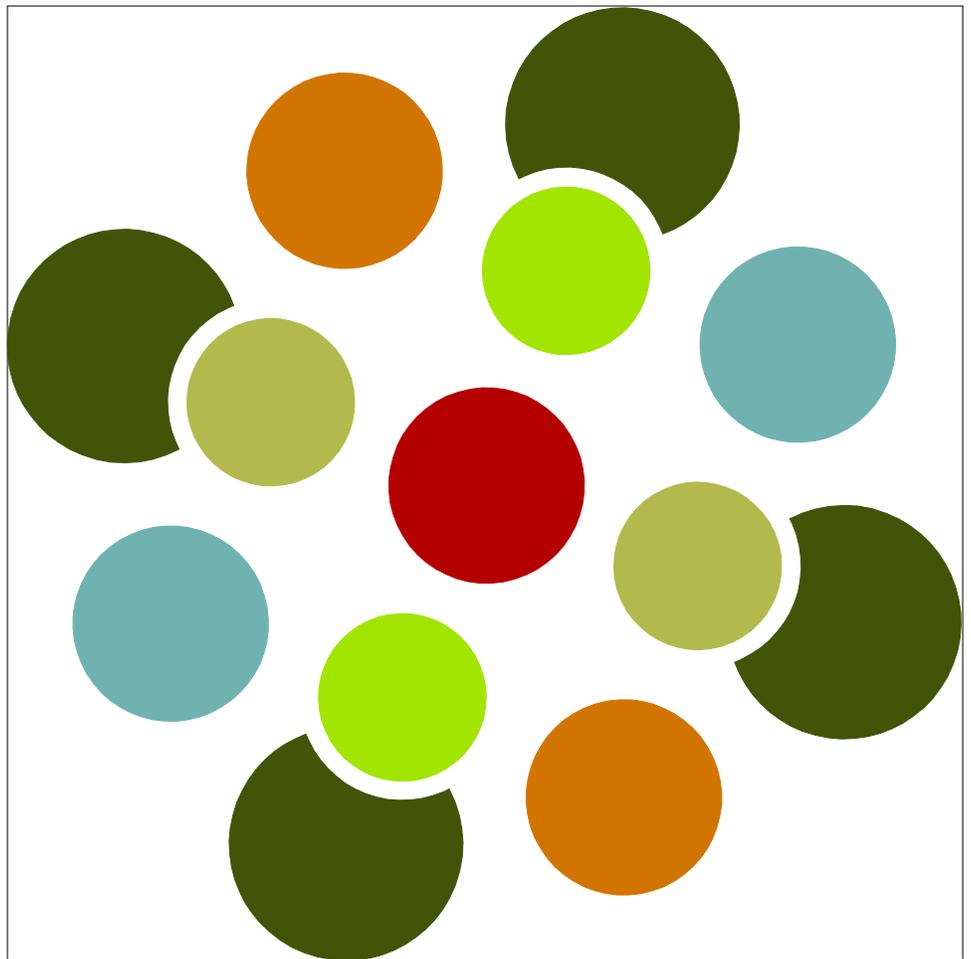


Project: New Liskeard Landfill Site Expansion
 Client: City of Temiskaming Shores
 Date: January 24th, 2022

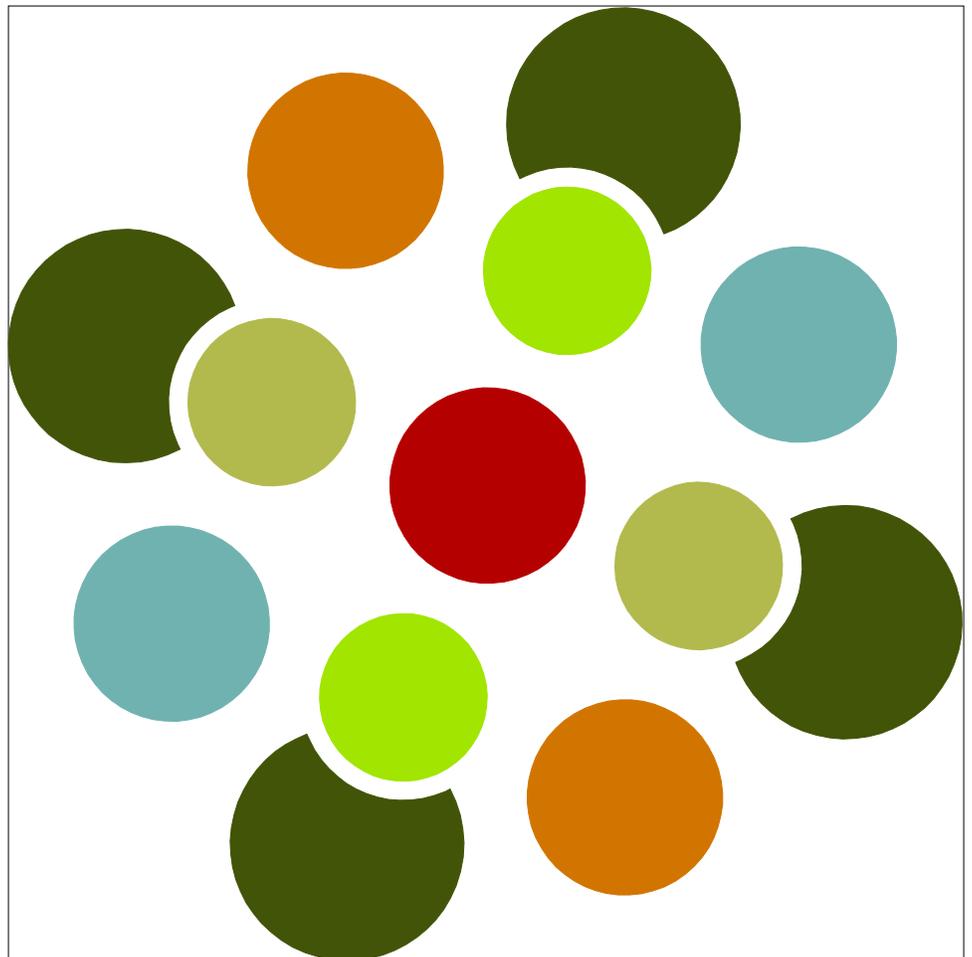
Tender Phase

		2022																																									
Project task / Milestones		January						February						March						April						May																	
Tender Phase		[Gantt bars for Tender Phase tasks]																																									
PART A:																																											
Preparation of Proposal		[Gantt bar]																																									
Submission of Proposal for Consideration		[Gantt bar]																																									
Tentative Award of Contract		[Gantt bar]																																									
Site Visit by Consultant		[Gantt bar]																																									
Project Initiation Meeting with City		[Gantt bar]																																									
Preparation of Tender Brief		[Gantt bar]																																									
Tender Preparation (60%)		[Gantt bar]																																									
Project Review Meeting		[Gantt bar]																																									
Tender Finalization (90%)		[Gantt bar]																																									
Tender Review Meeting		[Gantt bar]																																									
Tender Document Preparation & Tender Call		[Gantt bar]																																									
Tender Period and Close		[Gantt bar]																																									
Review & Recommendation by Consultant		[Gantt bar]																																									
Award of Construction Contract by City		[Gantt bar]																																									
Project task / Milestones		May						June						July						August						September																	
Construction Phase		[Gantt bars for Construction Phase tasks]																																									
PART B:																																											
Contract Administration		[Gantt bar]																																									
Pre-start Meeting		[Gantt bar]																																									
Review Construction Schedule, Shop Drawings, etc.		[Gantt bar]																																									
Construction Supervision and Inspection		[Gantt bar]																																									
Bi-Weekly Progress Reports		[Gantt bar]																																									
Monthly Site Meetings		[Gantt bar]																																									
Construction QA and Testing Reports		[Gantt bar]																																									
Construction Final Inspection Meeting		[Gantt bar]																																									
Other Associated Activities		[Gantt bars for Other Associated Activities tasks]																																									
PART C:																																											
Preparation of Tipping Fee Structure		[Gantt bar]																																									
Preparation of Record Drawings		[Gantt bar]																																									
Warranty Period Inspection / Review (1 Year Post Substantial Completion Date)		[Gantt bar]																																									
Release of Holdback / Final Report (1 Year Post Substantial Completion Date)		[Gantt bar]																																									

Appendix E – Cost Estimate



Appendix F – City Forms for Submission





City of Temiskaming Shores
Engineering Services – NL Waste Disposal Site
PW-RFP-002-2022

Contractor's submission of bid to:

The Corporation of the City of Temiskaming Shores

Stipulated Bid Price

We/I, EXP Services Inc.

(Registered Company Name/Individuals Name)

Of, 310 Whitewood Avenue W, New Liskeard, ON P0J 1P0

(Registered Address and Postal Code)

Business:

Phone Number (705) - 647-4311

Fax Number (705) - 647-3111

We/I hereby offer to enter into an agreement to supply and install, as required in accordance to the proposal for a price of:

Lump sum price before HST

\$ \$51,255.00

Form 1 to be submitted.



**City of Temiskaming Shores
PW-RFP-002-2022
Engineering Services – NL Waste Disposal Site**

NON COLLUSION AFFIDAVIT

I/ We EXP Services Inc. the undersigned am fully informed respecting the preparation and contents of the attached quotation and of all pertinent circumstances respecting such bid.

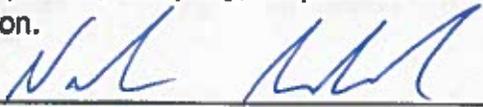
Such bid is genuine and is not a collusive or sham bid.

Neither the bidder nor any of its officers, partners, owners, agents, representatives, employees or parties of interest, including this affiant, has in any way colluded, conspired, connived or agreed directly or indirectly with any other Bidder, firm or person to submit a collective or sham bid in connection with the work for which the attached bid has been submitted nor has it in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached bid or of any other Bidder, or to fix any overhead, profit or cost element of the bid price or the price of any bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Temiskaming Shores or any person interested in the proposed bid.

The price or prices quoted in the attached bid are fair and proper and not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

The bid, quotation or proposal of any person, company, corporation or organization that does attempt to influence the outcome of any City purchasing or disposal process will be disqualified, and the person, company, corporation or organization may be subject to exclusion or suspension.

Signed



Company Name EXP Services Inc.

Title New Liskeard Branch Manager

Form 2 to be submitted.



City of Temiskaming Shores
PW-RFP-002-2022
Engineering Services – NL Waste Disposal Site
Conflict of Interest Declaration

Please check appropriate response:

- I/we hereby confirm that there is not nor was there any actual, or perceived conflict of interest in our quotation submission or performing/providing the Goods/Services required by the Agreement.
- The following is a list of situations, each of which may be a conflict of interest, or appears as potentially a conflict of interest in our Company's quotation submission or the contractual obligations under the Agreement.

List Situations:

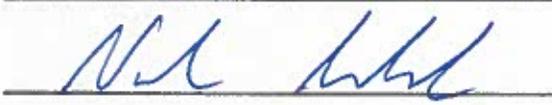
In making this quotation submission, our Company has / has no *(strike out inapplicable portion)* knowledge of or the ability to avail ourselves of confidential information of the City (other than confidential information which may have been disclosed by the City in the normal course of the quotation process) and the confidential information was relevant to the Work/Services, their pricing or quotation evaluation process.

Dated at, New Liskeard this 24th day of January, 202022.

FIRM NAME: EXP Services Inc.

BIDDER'S AUTHORIZED OFFICIAL: Nolan Dombroski, P.Eng.

TITLE: New Liskeard Branch Manager

SIGNATURE: 

Form 3 to be submitted.



City of Temiskaming Shores
PW-RFP-002-2022
Engineering Services -- NL Waste Disposal Site

List of Proposed Sub-Contractors

A list of Sub-Contractors that the Contractor proposes to employ in completing the required work outlined in this Proposal must be included in the Proposal documents submitted.

Name	Address	Component
No sub-contractors are proposed for these works.		

I / We verify that the information provided above is accurate and that the individuals are qualified, experienced operators capable of completing the work outlined in this Proposal document.

Dated at: New Liskeard this 24th day of January, 2022.

Signature: 

Bidder's Authorized Official: Nolan Dombroski, P.Eng.

Title: New Liskeard Branch Manager

Company Name: EXP Services Inc.

Form 4 to be submitted.

The Corporation of the City of Temiskaming Shores

By-law No. 2022-020

Being a by-law to rename the New Liskeard Community Memorial Hall to the Bun Eckensviller Community Hall

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a -tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Memo No. 002-2022-RS at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to rename the New Liskeard Community Memorial Hall to the Bun Eckensviller Community Hall, for consideration at the February 1, 2022 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the New Liskeard Community Memorial Hall, located at 90 Whitewood Avenue in New Liskeard, be hereby renamed to the Bun Eckensviller Community Hall.
2. That all municipal by-laws presently in force with respect to the New Liskeard Community Memorial Hall shall apply to the said name change (i.e., the Bun Eckensviller Community Hall), created under this by-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk

The Corporation of the City of Temiskaming Shores

By-law No. 2022-021

Being a by-law to enter into an agreement with the Ontario Trillium Foundation for the replacement of the roof at the Pool and Fitness Centre

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a -tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Memo No. 003-2022-RS at the February 1, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an agreement with the Ontario Trillium Foundation to replace the roof on the Pool and Fitness Centre in the amount of \$500,000, for consideration at the February 1, 2022 Regular Council Meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to enter into a funding agreement with the Ontario Trillium Foundation to replace the roof on the Pool and Fitness Centre in the amount of \$500,000, a copy attached hereto as Schedule "A" and forming part of this by-law.
2. That the Mayor and Clerk have the delegation of authority to execute any and all required documentation and amendments, on behalf of the City of Temiskaming Shores, as required under the Funding Agreement, as long as the amendments do not create any financial liability for the City that is beyond a budget approved by Council.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk



Schedule "A" to

By-law No. 2022-021

Agreement between

The Corporation of the City of Temiskaming Shores

and

Ontario Trillium Foundation

Roof Replacement on the Pool and Fitness Centre

2022-01-26, City of Temiskaming Shores (CC117798)

2022-01-26

**Corporation of the City of Temiskaming Shores
325 Farr Drive, PO Box 2050
Haileybury, Ontario P0J 1K0**

Dear Christopher Oslund:

Re: Application ID# CC117798

I am delighted to inform you that the Ontario Trillium Foundation (OTF) has approved your grant application to the Community Building Fund Capital Stream ("specified grant"). We believe this investment in your project will support your efforts to rebuild your resilience and capacity to return to building healthy vibrant communities, and we are excited to work with you.

This letter and Grant Contract form the basis of the information that your organization requires to embark on a successful relationship with OTF.

Please read the entire Grant Contract carefully. The Grant Contract outlines the Foundation's expectations of the Grantee and the Grantee's obligations. It also ensures that the Grant benefits Ontarians and that the Grantee is accountable for public Grant funds. The Grant Contract includes:

- The Cover Page
- Terms and Conditions associated with your grant
- The Schedule A, with Approved Budget, selected outcomes, Grant Reporting Requirements and Payment Schedule, and name of the person monitoring your grant
- A Declaration of Understanding which confirms that you have read the relevant Policies and requirements stipulated
- Authorizing Signatures, pre-signed by OTF, and requiring the electronic signature of the person authorized to legally bind on behalf of your organization (your verified Signatory Contact).

Sign and return your Grant Contract per directions provided within 60 days.

For projects ready to begin, OTF will be pleased to issue your first payment once the following is completed:

- OTF has received the signed Grant Contract
- Your organization's banking information has been successfully uploaded to your grant portal
- You have completed OTF's grantee orientation

This payment will be made no earlier than the project start date identified in your contract. Please note project costs covered by this grant must align with Schedule A of the Grant Contract.

Additional important information:

- **Bank account:** All OTF grantees must provide OTF with the details for a bank account in the name of the grantee organization at a Canadian financial institution and must add this information to their grant portal once the Contract has been signed. OTF Grant funds will be transferred into this account, and until used in accordance with the agreement, the Grant funds

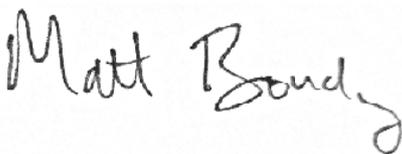
2022-01-26, City of Temiskaming Shores (CC117798)

must be kept in this account. Information on uploading banking information is available inside the OTF grant portal, under the 'Help' tab.

- **Required grantee orientation:** All OTF grantees are required to complete OTF's grantee orientation before returning their Grant Contract.
- **Final 10% grant holdback:** Please note the final installment payment of your grant will be released only after you have submitted the final report and OTF has verified the satisfactory completion of the grant. The holdback is identified in the Payment Schedule associated with your grant.
- **Public Recognition of funding:** You are required to publicly recognize the Government of Ontario and OTF. Grant recipients are required to do the following activities: host a recognition event, issue a media release, include the Government of Ontario and OTF logo on your website and materials related to the grant, and acknowledge Government of Ontario and OTF support on applicable social media. Acknowledge the grant using the following: "Funding provided by the Government of Ontario and the Ontario Trillium Foundation". Please review the [Grant Recognition](#) Requirements and contact a Communications Advisor with a minimum of three weeks prior to your recognition activity including media releases.
- **Announcing Your Grant:** Please do not publicly recognize your grant until the grant contract is signed and electronically returned to OTF. Your MPP may be in touch with your organization to offer congratulations and ask you to participate in a grant recognition event. In this instance, please be in touch with your OTF [Communications Advisor](#).

The OTF is committed to leadership in the nonprofit sector, and we have a plan for how we'll make Ontario communities healthier and more vibrant. We're excited to invest in your project, and can't wait to see the impact that the work of your organization will have on your community.

Yours sincerely,



Matthew Bondy
Chair, Board of Directors

2022-01-26, City of Temiskaming Shores (CC117798)

GRANT CONTRACT

("the CONTRACT")

BETWEEN

**Ontario Trillium Foundation
("The Foundation")**

AND

**Corporation of the City of Temiskaming Shores
("The Grantee")**

**325 Farr Drive, PO Box 2050
Haileybury, Ontario P0J 1K0**

\$500,000 over 12 months

Our Municipality, with a \$500,000 Community Building Fund – Capital stream grant over 12 months, will address a community need by replacing the roof on the Pool and Fitness Centre to ensure continued access to the only public fitness facility in the community.

Application ID No.: CC117798

Terms and Conditions

1. Use of Grant Funds

- Grant funds may only be used for the exclusive purpose of the project as it is described in Schedule A ("The Grant"). Grant funds may only be spent for the items and activities described in Schedule A.
- Grant funds are not to be used for the purchase, sale or use of alcohol or cannabis.
- Grant funds are not to be used by or for any organization or individual other than those specified in Schedule A.
- The Grantee represents and warrants that it has read and agrees to comply with the Foundation's "Reallocation of Grant Funds Policy" published on the Foundation's website at www.otf.ca (the "OTF Website"), including that Policy as it may be amended from time to time.
- The Grantee acknowledges that the amount of Grant funds available to it is based on the actual costs to the Grantee, less any costs (including HST and other taxes) for which the Grantee has received, will receive, or is eligible to receive a rebate, credit or refund.
- Any unspent Grant funds must be returned to the Foundation, unless the Foundation has given prior written approval for such funds to be spent on other items or activities that are consistent with the Grant's purpose.
- The Grantee fully understands that all payments of Grant funds to the Grantee are funded by the Ontario Government and are wholly conditional upon the Foundation receiving sufficient funding from the Ontario Government. The Grantee understands that if funding is not provided to the Foundation, or is provided in an insufficient amount by the Ontario Government, the Foundation is not obligated to make any payments of Grant funds to the Grantee and the Foundation may reduce the amount of Grant funds, otherwise modify the Grant, or terminate the Grant.
- The Grantee acknowledges that it is obliged to take reasonable care in screening volunteers and staff participating in the project described in Schedule A.

2. Maintaining Eligibility Status

- By signing this Grant Contract, the Grantee represents, warrants, acknowledges, and confirms that the eligibility status of the Grantee set out in the Grantee's application to the Foundation for Grant funds is current and in good standing.
- The Grantee represents and warrants that the Grantee has read, is in compliance with and agrees to comply in the future with the Foundation's "Eligibility Policy" published on the OTF Website, including that policy as it may be amended from time to time.
- The Grantee represents and warrants that the Grantee has and will, for the duration of the Grant, maintain its current status as cited in the Grantee's Organization Registration with OTF, and will immediately inform the Foundation of any change in or challenge to the Grantee's eligibility status as set out in the Grantee's registration with the Foundation.

3. Payment of Grant Funds

- The Foundation will pay Grant funds according to the terms stated in Schedule A.
- The Grantee must have - or must establish - a bank account in its own name at a Canadian financial institution. Until used in accordance with this Grant Contract, the Grant funds will be kept in this account. The Grantee's bank account information must be uploaded to the grant portal at the Foundation's website and linked to the Grant before the first Grant payment is sent to the Grantee.
- The Foundation must receive an electronically signed copy of this Grant Contract before the first Grant payment is sent to the Grantee.
- The Grantee must complete the Foundation's grantee orientation before the first Grant payment is sent to the Grantee.

2022-01-26, City of Temiskaming Shores (CC117798)

- The final Grant payment of the Grant, identified in Schedule A, will not be released until the Grantee has submitted its final report regarding the Grant and the Foundation has verified the satisfactory completion of the Grant.
- The Foundation may withhold Grant payments or terminate the Grant if, in the Foundation's opinion, the Foundation:
 - is not satisfied with the Grantee's progress;
 - determines that the Grantee is unable to complete the Grant in a satisfactory manner or within the approved timelines;
 - determines that the Grantee is not complying with this Grant Contract, as defined in Section 16 below; or
 - determines that continuing the Grant is not in the general public's interest.
- If the Grantee has received more than one Grant from the Foundation and OTF terminates one or more of those Grants, OTF may withhold payments under or terminate any or all of the other Grants of the Grantee.
- The Foundation may withhold Grant payments or terminate the Grant if the Grantee ceases to operate, is insolvent or otherwise unable to pay its debts, makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or proceedings are commenced to adjudge bankrupt, place in receivership, wind up, dissolve or liquidate the Grantee.

4. Mandatory Grantee Orientation

- The Grantee will complete OTF's grantee orientation in order to understand its role and responsibilities as an OTF Grantee.

5. Grant Outcomes for Specified Grant

- The Grantee, as specified in Schedule A, will track and report on outcomes for the Grant.

6. Reporting and Grant Monitoring

- The Grantee will immediately notify the Foundation of any changes to the finances, governance, management, staffing or operations of the Grantee such as a change to the legal status or name, or any other matter that might impact, delay or stop the successful completion of the Grant.

Progress and Final Reports

- The Grantee will submit complete progress reports and/or a final report to the Foundation at the times specified in Schedule A.
- In these reports the Grantee will clearly explain the Grantee's use of the Grant funds and the progress the Grantee has made toward achieving the outcomes of the specified grant as specified in Schedule A.
- All reports will be submitted according to the Foundation's requirements.
- The Foundation will review the progress the Grantee makes toward achieving the outcomes of the specified grant. Monitoring progress may involve on-site visits by Foundation representatives.
- The Foundation may also ask to consult with the Grantee's personnel regarding the Grantee's expenditures, records, progress, and achievements relating to the Grant. The Grantee will co-operate with any such inquiry by the Foundation and will make the Grantee's reports, records (as described in Section 7 below), and the Grantee's personnel available for the purpose of the inquiry.
- If the Foundation does not receive progress reports in a timely manner or the Foundation receives progress reports which are not in compliance with this Grant Contract, the Foundation may withhold payments until the late reports or reports considered by the Foundation to be satisfactory, as the case may be, are received, and may require that reports be provided to the Foundation with increased frequency and in accordance with

such further requirements as the Foundation may specify. The Foundation may terminate the Grant if any progress report is not received within sixty (60) days of the date on which it was due.

- If the Foundation does not receive final reports in a timely manner, this may be taken into consideration in assessing a future Grant application.

Additional Reporting

- In addition to the regular scheduled reports, the Foundation may ask the Grantee to submit additional interim reports, verbally or in writing, which the Grantee will provide on a timely basis.
- The Grantee acknowledges and agrees that OTF has the unrestricted right to use all information provided by the Grantee, including sharing best practices and lessons learned to promote knowledge mobilization in the community and the Foundation; building evidence-based policy and program design in the public benefit sector; and sharing information with the public. As an agency of the Government of Ontario, the Foundation may use and disclose all information provided to it in carrying out its mandate, consistent with access to information and privacy legislation and the government's Open Government commitment.
- In addition, for applicable Grantees with a Grow grant, the Grantee will make every reasonable effort to measure and report on grant outcomes using appropriate OTF outcome evaluation tools that will provide OTF with data on its collective achievement in meeting stated Priority Outcomes.

7. Records

- The Grantee will keep all reports (including supporting documentation) submitted to the Foundation as outlined in the previous Section 6, Reporting and Grant Monitoring.
- The Grantee will maintain accounting records that clearly show the receipt of Grant funds and how the money has been spent. All related records and supporting documentation will be available for inquiries, evaluations or audits by the Foundation for the purposes of this Grant Contract. Such records and supporting documents shall include but are not limited to a general ledger listing of detailed Grant expenses for all products, services, and salaries; corresponding invoices and proof of payment documents; bank statements, employment contracts, payroll registers, employee paycheques, Canada Revenue Agency records, and certificates of completion.
- The Grantee will keep records substantiating the fulfillment of outcomes of the specified grant, conditions, and requirements, if any, and make them available to the Foundation on request.
- The Grantee will keep records relating to operations, employees, volunteer and program participants, including but not limited to registration forms of members, volunteers, and participants, and make them available to the Foundation on request.
- The Grantee will retain all records of Grant receipts and expenditures (including supporting documentation) as outlined in detail in Sections 6 and 7 of this Grant Contract for at least six (6) years after the completion of the Grant.

8. Advocacy

- The Grantee represents and warrants that it has read and agrees to comply with the Foundation's "Eligibility Policy" published on the OTF website, including that Policy as it may be amended from time to time, and represents and warrants that it will not engage in political activity supporting or opposing any political party, elected representative, or candidate for public office, or engage in any activity meant to bring about change in law or government policy, including public policy dialogue and development.

9. Recognition of Funding

2022-01-26, City of Temiskaming Shores (CC117798)

- The Grantee represents and warrants that it has read and agrees to comply with the Foundation's "Recognition Policy" published on the OTF Website, including that Policy as it may be amended from time to time. The Grantee understands that its compliance with the Recognition Policy will be monitored.
- The Grantee must recognize funding with the following: "Funding provided by the Government of Ontario and the Ontario Trillium Foundation".
- The Grantee must use both the Government of Ontario and the Ontario Trillium Foundation logos and names on all materials related to the Grant.
- Photos taken at recognition events may be used by OTF on its website and/or in other publications.
- Municipalities receiving a grant to cover project costs that, without signage expenses, total \$100,000 or more, must purchase, produce and install an Ontario Builds sign immediately after the grant contract has been signed.

10. **Evaluation and Audit**

- The Foundation or the Auditor General of Ontario may conduct or commission an evaluation or audit of this Grant. (The Foundation currently audits a minimum of 10% of its grants annually.) The Grantee will co-operate with any such evaluations or audits, including but not limited to making the Grantee's records as described in Sections 6 and 7 of this Grant Contract and the Grantee's personnel available to Foundation personnel or consultants, or those of the Auditor-General of Ontario, for the purpose of the evaluation or audit. If the project for which the Grant funds are to be spent is funded by parties in addition to the Foundation, the Grantee's duty of co-operation with any evaluation or audit of this Grant by the Foundation shall include making available to the Foundation the entirety of the Grantee's records with respect to the project where required by the Foundation for the purpose of its evaluation or audit of this Grant.

11. **Applicable Laws**

- By signing this Grant Contract, the Grantee represents, warrants, acknowledges, and confirms that the Grantee has complied and will comply with all applicable federal and provincial laws and regulations, municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the Grant. This includes but is not limited to - where applicable - the Ontario Human Rights Code, the Ontario Employment Standards Act, and the Income Tax Act.
- The Grantee further represents and warrants that it has read and agrees to comply with the Foundation's "Anti-Discrimination Policy" published on the OTF Website, including that Policy as it may be amended from time to time.
- The Grant Contract will be interpreted in accordance with the laws of Canada, the Province of Ontario, any municipality in the Province of Ontario, and any court order.

12. **Insurance**

- The Grantee will purchase and maintain insurance, including but not limited to property insurance, casualty insurance, and general liability insurance, which is adequate for the purposes of the Grantee's operations. Adequate insurance coverage must be maintained for the duration of the Grant.

13. **Indemnity**

- The Grantee agrees to indemnify and save the Foundation, its officers, directors, employees, and agents harmless from and against any and all costs, claims, demands, expenses, actions, causes of action, and for any and all liability for damages to property and injury to persons (including death) howsoever caused, including any claim for negligence of the Foundation, arising out of or in any way related to the Grant, the Grantee, or the payment or non-payment of Grant funds to the Grantee. The Foundation holds this indemnity in trust for parties who are not parties to this Grant Contract. The Grantee will purchase and maintain insurance that names Her Majesty the Queen in right

2022-01-26, City of Temiskaming Shores (CC117798)

of Ontario, her ministers, agents, appointees and employees as Indemnified Parties.

14. Termination

- If the Grantee violates any of the provisions of this Grant Contract including the attached Schedules, the Foundation has the right to terminate the Grant.
- If the Grant is terminated, the Foundation will withhold any further payments of Grant funds.
- If the Grant is terminated, the Grantee must repay any unspent portion of the Grant funds to the Foundation. The Grantee will also repay to the Foundation Grant funds that the Grantee has spent if, in the Foundation's sole opinion, such Grant funds have not been spent in accordance with this Grant Contract.
- Any decision by the Foundation to terminate this Grant will be final and legally binding.

15. Acquisition of Goods and Services; Distribution of Assets

- If the Grantee acquires supplies, equipment or services (including the hiring of staff) with Grant funds, it shall do so through a process that promotes the best value for money and is free from an actual or potential conflict of interest.
- A conflict of interest includes any circumstances in which the Grantee or any person who has the capacity to influence the Grantee's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Grantee's objective, unbiased and impartial judgment. The Grantee will disclose to the Foundation, without delay, any situation that a reasonable person would interpret as an actual, potential or perceived conflict of interest, and comply with any terms or conditions that the Foundation may prescribe as a result of the disclosure.
- The Grantee will not, without the Foundation's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Grant funds or for which Grant funds were provided.
- If within five years of receiving the Grant funds the Grantee dissolves or no longer needs assets, whether real or personal property, purchased with the Grant funds, the Grantee will at the request of the Foundation transfer any such assets with a value of \$5,000 or more, for no consideration and clear of such encumbrances as the Foundation may in its discretion specify, to a not-for-profit organization that meets the Foundation's eligibility requirements as set out in the Foundation's "Eligibility Policy" or, in the discretion of the Foundation, to the Foundation. The Grantee will co-operate with due diligence inquiries by the Foundation or other qualified transferee prior to the transfer and will make all relevant documentation of the Grantee available for the purpose of such inquiries prior to the transfer.

16. Entire Agreement

- This Grant Contract, including these Terms and Conditions, all Schedules to this Grant Contract, the Declaration, the Signature Page(s), the Foundation Policies referred to in this Grant Contract, all additional Foundation Policies posted on the Foundation's website at <https://otf.ca/who-we-are/our-policies>, including as they be amended from time to time, and any amending agreement entered into as provided for below, constitute the entire agreement between the Foundation and the Grantee and supersedes all prior oral or written representations and agreements.

17. Modification and Waiver

- This Grant Contract may only be modified by an amendment in writing duly executed by authorized personnel of the Foundation and the Grantee. If the Grantee fails to comply with any term of this Grant Contract, the Grantee may only rely on a waiver of the Foundation if the Foundation has provided a written waiver to the Grantee. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

18. Acknowledgement

2022-01-26, City of Temiskaming Shores (CC117798)

- The Grantee acknowledges that it has read and understands the provisions contained in the entire Grant Contract, including these Terms and Conditions, all Schedules to this Grant Contract, the Declaration, the Signature Page(s) and the OTF Policies referred to in this Grant Contract, and agrees to be bound by the terms and conditions contained in the entire Grant Contract.

19. Capital Grants (For Grants with a Capital Component Only)

- Without limiting the application of Section 12 above to the capital project, the Grantee will purchase and maintain insurance including but not limited to property insurance, casualty insurance, and general liability insurance which is adequate for the purposes of the capital project of the Grantee, including operations at the project site and any equipment used as part of the project. Adequate insurance coverage must be maintained for the duration of the Grant.
- Without limiting the application of Section 13 above to the capital project, the Foundation is not responsible or liable for the quality of design, construction, maintenance or operation of the capital project. The Foundation is not responsible or liable for any loss or damages arising out of or relating to the design, construction, maintenance or operation of the capital project.
- The Grantee will ensure that all renovations, modifications, and additions meet or exceed all applicable by-laws, building codes and project specifications, and will obtain and keep all relevant certificates of completion.

20. No Partnership or Joint Venture

- It is expressly acknowledged and agreed that this Grant Contract, the Grant or the conduct of the Foundation and the Grantee relating to the Grant shall not create any form of partnership or joint venture between the Foundation and the Grantee.

21. Non-Assignability

- This Grant Contract shall not be assigned by the Grantee without the written consent of the Foundation.

22. Reliance by Foundation

- The Grantee acknowledges that in providing the Grant to the Grantee, the Foundation has relied on the representations and warranties contained herein and all information provided to the Foundation in the Grantee's application to the Foundation for Grant funds and all other information provided in writing to the Foundation by the Grantee. The Grantee further represents, warrants and agrees that such information is correct, will continue to be correct, and contains no material misrepresentations. The Grantee agrees to immediately notify the Foundation if any such information ceases to be correct.

23. Severability of Provisions

- The invalidity or unenforceability of any provision of this Grant Contract will not affect the validity or enforceability of any other provision of the Grant Contract. Any invalid or unenforceable provision will be deemed to be severed.

Declaration of Understanding

I declare that I have read and understand the Grant Contract between the Ontario Trillium Foundation (OTF) and my organization (Corporation of the City of Temiskaming Shores)

This includes OTF Policies, published at www.otf.ca.

In addition to the Grant Contract, I further declare that:

I, or the appropriate person in my organization for this Grant, have completed OTF's grantee orientation and understand the role and responsibilities of an OTF grantee.

I understand that I must provide OTF with the details for a bank account in the name of my organization at a Canadian financial institution, and have added this information to our grant portal.

I understand that if my grant includes capital renovations to land or property, that my organization must hold proof of ownership or a minimum five-year lease agreement.

I understand that OTF sets parameters to support the effective use of grant funds while ensuring accountability and the appropriate use of public funds and that Grant funds can only be reallocated in accordance with the terms of the Reallocation of Grant Funds Policy.

I have reviewed and understand the OTF reporting requirements for this program, including timing and tools for reporting to OTF.

I understand what information needs to be tracked and how to complete the reports.

IN WITNESS WHEREOF, the Grant Contract has been signed on behalf of the parties as of the dates indicated below. I have the authority to legally bind the organization in this Grant Contract.

Ontario Trillium Foundation

Per:



Beth Puddicombe

Vice-President, Community Investments

2021-12-16

Corporation of the City of Temiskaming Shores

Per:

X

Name : Christopher Oslund

SCHEDULE A

BUDGET COMMUNITY BUILDING FUND - CAPITAL STREAM OUTCOMES

PAYMENT AND REPORT SCHEDULES

Grantee: Corporation of the City of Temiskaming Shores
Application ID: CC117798 **Approved Amount:** \$500,000.00
Grant Start Date: 2022-05-02 **Grant Term:** 12 Months
Assigned Staff: Alyse Boltman

The Grant to your organization is based on information provided in your application.

BUDGET

Eligible project costs and grant spending may only start once OTF has received back the signed Grant Contract. Incurred costs and spending must be in accordance with the approved project start date and itemized costs and amounts in each of the categories below, as submitted with your application. Moving spending between categories must receive prior written consent from OTF.

OTF Budget Category	Requested Amount	Notes
OTF Budget Request		
Construction / Renovation	\$490,000.00	Contractor costs to remove and replace the existing asphalt shingle roof with a new, metal roof (quotes received).
Fixed Equipment	\$0.00	
Developmental	\$0.00	
Ontario Build Sign	\$10,000.00	purchase, produce, install Ontario Builds sign(s).
Total OTF Budget Request	\$500,000.00	

COMMUNITY BUILDING FUND CAPITAL STREAM OUTCOMES

Your grant has been approved for the following purpose: Our Municipality, with a \$500,000 Community Building Fund – Capital stream grant over 12 months, will address a community need by replacing the roof on the Pool and Fitness Centre to ensure continued access to the only public fitness facility in the community.

You identified the following Community Building Fund outcome(s): Extend life of facility – extend operational lifespan of facility (e.g. roof, HVAC, seating, windows and doors, electrical upgrades)

2022-01-26, City of Temiskaming Shores (CC117798)

Payment and Report Schedule

Scheduled Event	Payment Amount	Date
Payment	\$250,000.00	2022-05-03
Grantee Engagement		2022-10-01
Payment	\$200,000.00	2022-10-29
Final Report		2023-06-01
Payment	\$50,000.00	2023-06-21

The Corporation of the City of Temiskaming Shores

By-law No. 2022-022

Being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular meeting held on February 1, 2022

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas it is the desire of the Council of The Corporation of the City of Temiskaming Shores to confirm proceedings and By-laws.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the actions of the Council at its Regular meeting held on **February 1, 2022**, with respect to each recommendation, by-law and resolution and other action passed and taken or direction given by Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor, or in his absence the presiding officer of Council, and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor, or in his absence the presiding officer, and the Clerk are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

Read a first, second and third time and finally passed this 1st day of February, 2022.

Mayor

Clerk